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**Montana Fish,
Wildlife & Parks**

Montana Fish & Wildlife Commission

MINUTES

FWP Headquarters – 1420 East 6th Avenue-Helena, MT

October 17, 2018

*Commission Members Present: Dan Vermillion, Chairman, Richard Stuker Vice-Chairman, Tim Aldrich,
Logan Brower and Shane Colton*

Fish, Wildlife & Parks Staff Present: Martha Williams, Director and FWP Staff.

Guests: October 17, 2018 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. *Call to order and Pledge of Allegiance*
2. *Approval of Minutes of Past Commission Meetings*
3. *Approval of Commission Expenses*
4. *Commission Reports*
5. *Director's Office Report*
6. *Administrative Rule Amendments Pertaining to Recreation on the Helena Valley Regulating Reservoir, R3*
7. *Administrative Rule Proposal Pertaining to Amendments to Current No Wake Zones and Adoption of New No Wake Zones on Canyon Ferry Reservoir, R3*
8. *Madison River Recreation Negotiated Rulemaking, R3- Informational*
9. *2019 Fishing Regulations- Final*
10. *Draft Upper Missouri River Reservoir Fisheries Management Plan, R4- Proposed*
11. *Fishing Access Site Biennial Rule- Proposed*
12. *Marias River Fishing Access Site, R4- Endorsement*
13. *Yellowstone River Fishing Access Site, R7- Endorsement*
14. *Clark Fork River Fishing Access Site, R2- Endorsement*
15. *Clark Fork River Closure for DEQ Cleanup of Grant-Kohrs Ranch Area, R2- Final*
16. *Missouri River and Toston Fishing Access Site Closure Rule, R3- Final*
17. *North Sunday Creek Conservation Easement, R7 (Endorsed as Ponessa Ranch CE)- Final*
18. *White Deer Meadow Conservation Easement R3- Final*
19. *Canyon Creek WMA Addition Fee Title Acquisition R3- Final*
20. *Dome Mountain Ranch WMA Inholding Assignment of Conservation Easement and Fee Title Acquisition R3- Final*
21. *Brucellosis Annual Work Plan- Final*
22. *Mountain Lion Management Strategy- Endorsement*
23. *2017-18 Elk Shoulder Season update – Informational*
24. *G/T Ranch Acquisition- Endorsement*

1. Call to Order – Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:33 am and led the Pledge of Allegiance.

2. Approval of Minutes of the June 14, 2018 Commission Meetings

Chairman Vermillion asked for a motion to approve and sign off on Minutes.

Motion: Chairman Vermillion moved and Vice-Chairman Stuker seconded the motion to approve minutes.

Motion Passes 5-0

3. Approval of Commission Expenses

Chairman Vermillion stated that there were no expenditures regarding budget

Motion: Vice Chairman Stuker moved and Chairman Vermillion seconded the motion to approve the Commission expenses.

Motion passed. 5-0

4. Commission Reports

Commissioner Aldrich stated that he was on the road in late August and most of September. He wanted to thank Vice Chairman Stuker for filling in while he was busy fishing in Alaska. August 15 was the final face-to-face meeting on the member of the Financial Review Advisory Committee. We almost finalized our recommendations to Director Williams. Later we able to finalized the report with our recommendations.

September 25, he attended a presentation by Nick DeCeasar on the State of the Moose studies. He did a presentation to a group of 30 to let them know where they are with the study. Moose populations are certainly a topic of great interest right now and he looks forward to hearing the final report that is still in process.

October 10, he attended the Region 1 Citizen's Advisory Committee meeting in Kalispell. The primary topic presented to the group was handled well by Dustin Temple and Hank Worsech. There were several new CAC members there and the topics of future budget and legislative priorities were well received which brought up questions were answered by Dustin and Hank.

October 12, he attended the Angler Forum meeting in Helena. The topics included an update on upcoming legislative matters with some specifics on budget processes. There were also continuing discussions of matters that we will be dealing with here today. Thank you.

5. Director's Report

Audio lost.

6. Administrative Rule Amendments Pertaining to Recreation on the Helena Valley Regulating Reservoir

The Helena Valley Regulating Reservoir and lands surrounding the reservoir are owned by the Bureau of Reclamation. In 1969, the Fish and Wildlife Commission signed a memorandum of understanding with the Bureau of Reclamation permitting the commission to assume the responsibilities for the administration and development of the lands and facilities at the reservoir for wildlife and recreation purposes. The Helena Valley Irrigation District is responsible for the operation and management of the irrigation water supply works pursuant to a separate agreement. The MOU between the commission and Bureau of Reclamation is due for renewal in February 2019, and department staff have been working with staff from the Bureau of Reclamation and the representatives from the Helena Valley Irrigation District regarding provisions of the MOU that would need to be addressed. The recommended amendments remove redundant language regarding the use of the lands surrounding the reservoir found in the public use administrative rules (ARM 12.8.201 et seq.) and would provide rule language regarding the surface water of the reservoir. Staff from the Bureau of Reclamation and representatives of the Helena Valley Regulating Reservoir have had the opportunity to review and agree with the recommended amendments.

The public has not had the opportunity to review or comment on this recommendation. Upon the commission's approval to propose the amendments, FWP will conduct the appropriate public review and comment process, which will include a public hearing. FWP recommends the commission propose the recommended amendments.

Phil Kilbreath, Game Warden Sargent, stated that he is also the boating law administrator for the State of Montana. We have a proposal for some of the amendments for the Helena Valley regulating reservoir. A brief overview before we start to add to the information in the coversheet. The Helena Valley regulating reservoir is a fishing access site. We work closely with the Bureau of Reclamation. Our agreement with the Bureau and FWP is due in February of 2019. This administrative rule proposal serves to update rule language of the next Memorandum of Understanding that we are working on with the Bureau. It makes a few minor changes to the surface water. We have worked with the irrigation district to come up with this proposal.

The public has not yet had an opportunity to comment on this proposal. If the Commission chooses to initiate rule making, then we start the public review and comment period. We will bring the comments back to the Commission. The Commission may propose the recommended amendments which will allow for public review. He advised that he or Warden Hawkaluk would answer any questions.

Motion: Commissioner Brower moved and Commissioner Aldrich seconded that Fish and Wildlife Commission propose the recommended amendments to the Helena Valley Regulating Reservoir administrative rule to remove redundant language regarding the use of the land surrounding the reservoir found in the public use rules and address the recreational use of the surface water of the reservoir.

No Public Comment.

No Commission comment.

Motion passes 5-0

7. Administrative rule proposal pertaining to amendments to current no-wake zones and adoption of new no-wake zones on Canyon Ferry Reservoir

Canyon Ferry Reservoir is a large impoundment of the Missouri River in central Montana near Helena. Canyon Ferry is a very popular destination and sees a large volume of recreational boating and camping during the summer months. All commercial marinas around the lake have no-wake zones in place and several public boat ramps do as well. This proposal seeks to proactively address safety and maintain consistent regulations at all major public boat launches by adding no-wake zones to areas of heavy usage, which include Shannon Boat Launch, Court Sheriff Bay, Chinamen's Bay, Kayley Bay, Hellgate Bay, Silos campground area, and White Earth Bay. Additionally, several changes are proposed to the existing ARM rules to clarify them and ensure that wake zones are organized and listed under the correct ARM rule for that body of water.

The public has not had the opportunity to review or comment on this recommendation. Upon the commission's approval to propose the amendments and adoptions, FWP would conduct the appropriate public review and comment process, which would include a public hearing. Montana Fish, Wildlife and Parks recommends the commission propose the recommended amendments and adoptions pertaining to no-wake zones on Canyon Ferry Reservoir.

Phil Kilbreath, Game Warden Sargent, greeted Commission and stated the Canyon Ferry proposal is a large impoundment of the Missouri River in central Montana near Helena. Canyon Ferry is a very popular destination and sees a large volume of recreational boating. It is the second most highly used reservoir in Montana. The first being Flathead Lake. This proposal will serve to make the boating regulations for Canyon Ferry standard across the reservoir. There are a few commercial arenas that have a no wake zone around boat ramps as well as public ramps.

This proposal will make sure that all public boat ramps have a no wake zone of 300 feet. This would also include a couple of other areas that have high boat traffic. Kayley Bay and Court Sheriff are in close conjunction with houses or campgrounds. There is high boat traffic there. Additionally, at the Silos campground we are proposing a 300 foot no wake zone from either end of the campground to protect people that are swimming from motorized boats, etcetera in that area.

The public has not yet commented on this. If the Commission approves to move forward with rulemaking, we will conduct an appropriate review and comment process. The Commission can propose the recommended amendments or not. He advised that he or Warden Hawkaluk would answer any questions.

Proposed Motion: Vice Chairman Stuker moved and Commissioner Brower seconded that the Fish and Wildlife Commission propose the recommended administrative rule amendments to current no wake zones and adoptions of new no wake zones on Canyon Ferry Reservoir

Commission asked for Public comment.

Helena Region 3

Joe Cardness, Helena, greeted Commission and stated that he resides at Magpie Bay. He advised that it has the most traffic at Canyon Ferry Lake. It was not mentioned in this proposed rule regarding no wakes zones. He would like to see the no wake zones extended all the way to Magpie Bay like other areas around the state which is 200 feet away from the docks. That is all that he is asking to be added. Thank you.

Gene Mitchell, Helena, stated that he lives on Magpie Bay also and would like to see a no wake zone 200 feet from the dock areas. There were people out on the lake on the fourth of July that took their boat and sat out by the point of the bay. He stated that he went and sat out on his dock. Close to the dock was a pontoon boat with a slide on it. There were also three or four jet skis. The drivers of the jet skis were driving recklessly and running into each other as well as getting dangerously close to the pontoon boat. There were children sliding down the slide of the pontoon boat. The jet skis were coming within five feet of his dock

and the other people. What can be done to help with this? It is dangerous out there. The holidays and weekends are the worst. Why can't there be a regulation for a 200-foot wake zone? There needs to be 200 feet away from docks, swimmers, and fisherman. The biggest problem today is the wake boats. The boats put out huge waves that rock the boats and every year he loses a foot or of bank because of the boats and the waves they make. He doesn't know what can be done but, he hopes that FWP can do something. Thank you.

Chairman Vermillion had a question for Warden Kilbreath. He asked if he could elaborate as to why Magpie Bay was not included in the proposal.

Warden Kilbreath answered that Magpie was not included because in Arm Rule 1211.32.01 states that Magpie Bay already has a rule that says the wake zone is 300 feet of docks or as buoyed. This is something that he can talk to local enforcement about.

Motion passes 5-0

8. Madison River Recreational Rulemaking (R3)

At the June 2018 meeting, the Commission directed FWP to begin a Negotiated Rulemaking Process (MCA 2-5-101 to 110) to revise the River Recreation Rule which it had presented to the Commission on April 19, 2018. The Department has initiated this process and is taking applications from the public to form a Rulemaking Committee. The Department will provide an update to the Commission on this process.

The Commission had also asked the department to provide them with an update on the River Recreation Rules that had been approved for the West Fork of the Bitterroot River in December 2017. The department will describe the timeline for if update early in 2019.

Eileen Ryce, Fisheries Administrator, stated a lot of people are interested in the Missouri Reservoir Management plan. We are going to move things around as we are ahead of schedule. We will do the river recreation update, fishing regulations, and then that will get us to our ten o'clock start time. We have people yet to arrive that want to comment on some of the topics.

We have been getting questions about the Bitterroot update. The season ended September 15 and the Region has scheduled a review meeting with the committee members. A full report will be provided to the Commission next year. After the review, we will address any necessary changes that need to be made. You will hear more about that at the January or February meeting.

Regarding the Madison, we are currently receiving public comment on the proposal to use Negotiated Rule Making. We are also receiving applications for the committee for the Negotiated Rule Making. Those will be received October 22. Considering the comments that were made earlier, we will be sure to do a press release. We want to make everyone aware of that schedule. At the December meeting, we will make recommendations to you for the makeup of that committee. We anticipate the committee to start work January 2019. We will have recommendations on the rule to the Commission in April. The rule would then follow the MAPA process. Our plan is to have everything in place by the 2020 season. Are there any questions?

Vice Chairman Stuker stated that he received some comments on the rule making. From the previous emails, we may have interpreted all of that and will have the other commissioners look at it before we sign off. At the end of the meeting, if the other Commissioners have no comment, then I will sign off on this as it has all the details of the rulemaking.

9. 2019 Fishing Regulations

The fishing regulation process is based on a four-year cycle. The first year of each cycle is dedicated to actively soliciting ideas for changes from the public. During the other three years of the cycle ("off-cycle" years), ideas are only solicited internally from FWP biologists, fish managers and enforcement personnel. Proposals developed during off-cycle years are proposed to the commission only if they meet certain criteria: achieve certain enforcement needs, provide clarification for regulations, are important for the conservation of a fish species, make changes to regulations no longer relevant, or fulfill direction provided in management plans. Since 2019 is an off-cycle year and there are no current proposals that meet the criteria outlined above, the Fisheries Division is proposing rolling over the 2018 regulations into 2019. The next full review of the fishing regulations will be for the 2020 fishing season, with public scoping and review of proposals occurring in spring and summer of 2019. It is anticipated that FWP will present proposed 2020 fishing regulations at the August 2019 commission meeting.

Since the 2019 fishing season is an off-cycle year, public input was not solicited directly. Seven regulation changes that met the criteria outlined above were approved by the commission in 2018. Public input will be solicited in developing and evaluating the 2020 fishing regulations.

Since there are currently no proposed changes to the 2019 fishing regulations, and since there will be extensive review and public input for the 2020 fishing regulations, FWP recommends adopting the 2019 fishing regulations as proposed.

Eileen Ryce, Fisheries Administrator, stated that the fishing regulation process is based on a four-year cycle. 2019 is the last off cycle year of the four-year cycle. She brought some fishing regulation changes that met the requirements of the off-cycle year. We are looking at changes for the Canyon Ferry Reservoir limits as well as a management plan and the changes that were made on the Kootenai because of an unauthorized fish introduction. We have had no other proposals that meet the requirements of an off-cycle year. At this time, we ask that you adopt a 2019 fishing regulations as proposed. Starting in the spring of 2019 we will hold scoping meetings in all of the regions to start the process for the 2020 regulations.

We anticipate presenting the proposed regulations for the 2020 season at the August 2019 meeting with this being finalized at this time next year. Throughout the process, we will be gathering information on how to present the regulations in a way that is more user friendly. We would like for you to adopt the 2019 regulations as proposed.

Motion: Commissioner Colton moved and Vice Chairman Stuker seconded that the Fish and Wildlife Commission adopt FWP's proposed fishing regulations for the 2019 fishing season.

Chairman Vermillion asked if this is the same as tentatively passed with no changes.

Ms. Ryce answered that there were no changes.

Vice Chairman Stuker was curious. He knows that the four-year rule was put in before he was on the commission. Everything that we look at is generally two years for the Wildlife Division and there can be changes in that amount of time.

Ms. Ryce stated that she would look into the reasoning for the four-year cycle. She advised that was put into place before she started in her position. She will look into that.

Motion passes 5-0

10. Draft Upper Missouri River Reservoirs Fisheries Management Plan

The draft 2019-2028 Upper Missouri River Reservoir Fisheries Management Plan sets fisheries management direction for the next 10 years and addresses changing fisheries with specific goals and strategies in Canyon Ferry, Hauser, and Holter Reservoirs and two associated Missouri River sections. This draft builds upon two previous management plans with updates to fisheries trend data and incorporates additional information since inception of the previous plan. This draft plan proposes five substantive changes to fisheries management: reduce Canyon Ferry perch goal to six perch per net; incorporate direction from a 2012 Northern pike EA into the plan; use standardized size criteria to evaluate Canyon Ferry and Holter walleye populations; re-evaluation of strategies if budget limitations preclude stocking of catchable sized rainbow trout; allow an open water fishing contest on Holter Reservoir. The plan does not establish the angling regulations but rather suggests strategies that may achieve the proposed management goals.

FWP established a seven-member citizen scoping committee in 2018 to consider five management strategy changes (see attached Fact Sheet). Scoping committee members represented Walleyes Unlimited, Trout Unlimited, local outfitters, youth fishing interests, local business, outdoor enthusiasts, and an FWP Commissioner. Scoping Committee members reported proposed changes in the plan to their constituents and reported constituent feedback to FWP and the committee. In addition, FWP hosted five open houses in Great Falls, Butte, Bozeman, Helena, and Townsend in July for additional public input. Feedback provided by the citizen scoping committee and at open houses was evaluated for this draft plan. Generally, the public supported the proposed changes to the plan; other topics mentioned by the Scoping Committee and the public included size of fish, forage, adaptability of the plan, and habitat. Recreational concerns regarding the river section below Hauser Dam were also raised, but are not covered in this plan.

The Scoping Committee and the public were largely supportive of substantive changes proposed in the draft plan. FWP believes the draft plan adequately addresses other concerns raised during scoping, such as fish size and adaptability, through management prescriptions outlined in the plan. FWP recommends approving the draft plan as presented and request public comment.

Eric Roberts, Fisheries Manager Bureau Chief, greeted the Commission. He stated he would talk about the draft 2019-2028 Upper Missouri River Reservoir Fisheries Management Plan. This plan covers the upper Missouri River reservoir system including Canyon Ferry, Hauser, and Holter Reservoirs as well as river section from Toston to Canyon Ferry and below Hauser Dam to Holter Reservoir.

The first management plans in the system were implemented in the 1990s. There were individual plans for each reservoir. Following changes to the fisheries in the late 1990s, ten year plans were implemented in 2000-2009. The previous plans strove to manage the reservoirs and river sections as an overall system. The plans were devised by citizen work groups that had management alternatives. The overarching goal was to manage the system as a high-quality cost effective multi specie fisheries that had high levels of angler satisfaction.

Management strategies outlined in this plan encompasses the overarching goal. Development of the irradiation of the plan is different than previous plans. Previous plans required extensive review to maintain relevancy for the changing fisheries. In the draft plan the fishery goals were largely being met and FWP felt that full revisions of the plan were not needed. It was also felt that a citizen's advisory was not needed. For this draft plan a seven-member scoping committee representing Walleyes Unlimited, Trout unlimited, kids fishing, general businesses, local anglers, local outfitters, and a FWP Commissioner was convened to consider proposed changes to the plan. We gathered information from the user groups. The scoping committee met twice in 2018. Additionally, public scoping meetings were held in Great Falls, Butte,

Bozeman, Helena, and Townsend. Meetings in Great Falls and Helena were well attended. The others were not.

The plan is adaptive in that goals and triggers are set for selective species in the system. When a trigger is tripped during a fisheries monitoring, the prescription provides various management actions. Management goals and triggers are set based upon long term monitoring data. Specific monitoring series used for certain goals and triggers are outlined in the plan. Canyon Ferry walleye goals trigger a certain prescription that is based upon a 15-gillnet set each fall. Similar criteria are used for each primary species within each reservoir. Most goals and triggers are based upon a three-year running average to better detect fisheries trends and avoid unwarranted management decisions. Using a three-year trend washes out the noise of these dynamic fisheries as they change over time. Fisheries monitoring is done annually and management changes can be proposed at any time.

For example, Canyon Ferry walleye was triggered that followed 2017 and a new fishing regulation was put into place before the next 2018 season. Some of the other examples of regulation changes that were made per cycle basis based upon monitoring data that observed throughout the monitoring series. There are examples of Holter yellow perch where we increased the fishing regulation to take advantage of a large cohort of fish and to create more angling opportunity for that. We also put in regulations when the perch in Canyon Ferry and Hauser when the populations hit lows.

If triggers are tripped and the regulations are warranted, defined by the plan the changes can be proposed at any time. Waiting for a three or four-year regulation cycle is not needed. The plan is methodical in that the management prescriptions are based on long term data and trends. However, the plan is responsive in that changes can be proposed quickly when fish populations shift unexpectedly. Monitoring is conducted using scientific recognized fish sampling techniques. Standardized surveys are conducted in locations and seasons to minimize variation to better to detect fisheries trend. The specific monitoring series is used to measure population abundance regarding management measures and triggers. Other collected data may be used to evaluate management prescriptions. For example, creel data is useful to evaluate the potential effectiveness of the proposed regulation change even though there might not be a management goal based on creel data.

Another example, is to use three-inch gill nets in the fall to monitor walleye populations. Gill nets used for standard population monitoring are not good at catching trophy sized fish. There are no proposed management goals based on three-inch gill nets with this information that is useful to impact a trophy fishery. Length restrictions such as one fish over 25 inches or slot limits desired by some angling groups as well as sampling trophy fish with mesh gill nets and evaluation with those types of regulations. Tagging data could be used to evaluate management prescriptions. There are no specific management goals based on tagging data.

Coming into this draft plan, FWP identified five subsequent changes that are needed. Other issues were identified by the scoping committee during public scoping meetings. The Department felt that the draft plan fully addresses these other concerns. The five subsequent changes proposed by FWP are 1.) Reduce Canyon Ferry yellow perch goal to a three-year average catch goal of six yellow perch per net in the summer sinking gill net series. This expected to help maintain a perch sport fishery and maintain adequate abundance for the primary sport species. The lower perch goal improves the responsiveness in the perch and walleye populations. If perch were at the management goal, then bag limits would be implemented to improve angler opportunity. If perch or walleye were near management goals, walleye regulations may have adjusted to improve size distribution.

This proposed change of the perch goal was supported during the public scoping process. 2.) Incorporate a change from a 2012 northern pike assessment into the management plan. This environmental assessment was completed in 2012 prior to approval to the 2009 plans. It's just an incorporating aspect of that assessment for northern pike into this draft plan. That proposal was also widely supported during public

scoping. 3.) Use proportional stock density (PSD) to walleye stock size criteria in Canyon Ferry and Holter Reservoirs. PSD is scientifically recognized evaluation of size structure of fish in a sport fishery. The recommend PSD range of 30-50 for Canyon Ferry and 40-60 for Holter. PSD is secondary management objective for changes to modify walleye. PSD will be considered if walleye is within management triggers and of other species are within management triggers. Regulation changes to modify walleye PSD will only be considered if walleye and other species is within defined management range. Use of PSD to evaluate walleye size structure was generally supported during public scoping this past summer. 4.) To reevaluate fishery management strategies stocking catchable size rainbow trout to previous levels. Due to budget cuts in 2017 stocking catchable rainbow trout larger than seven inches was cut in half for the reservoir system. This part of the proposal for the draft plan recommends that we reevaluate our fisheries management strategies if we do not get the authority back to continue the stocking of catchable fish in the reservoirs. The stocking of catchable fish was a very important discussion subject during public scoping meetings. It is supported by various angling groups. The stocking of rainbow trout is widely supported. 5.) The Holter Walleye Tournament was denied in 2017 for open water tournament application based on criteria outlined in 2009 management plan. That denial was appealed and upheld by Fish and Wildlife Commission with the direction to evaluate this issue during the current plan update.

In the draft plan FWP recommends no open water or ice fishing tournaments on Holter. Limited access points and constricted areas lead to congested boat traffic and could instigate conflict with non-tournament boaters. There are safety concerns. Biologically a catch and release open water walleye tournament would likely have minimal impacts to the overall walleye population. A tournament during pre-spawn period could negatively impact individual spawning fish. In the draft plan tournament organizers, may petition the Commission to allow open water tournaments. They must specifically address how they are going to minimize conflicts with other boaters and other safety concerns. Discussions of this topic by the public scoping indicated that they were split. The local people supported not having tournaments. The others such as the anglers and the state walleye organizations did support the tournaments. During public scoping, there were other concerns raised but, FWP feels the draft plan adequately and fully addresses the concerns. There was a discussion about poor walleye size in Canyon Ferry. Using strategies outlined in the plan, the regulation was adjusted in 2018 with the intent to reduce the overall number of fish and reduce the number of small fish. If the regulation works as intended, walleye number will decline and size structure will improve. Regulations will be revisited upon criteria outlined in the plan.

Other subjects brought up during the scoping that fall outside the purview of this plan were concerns of increased boater use on the Missouri River below Hauser Dam. We do feel that this is an important topic of discussion. We feel that this would be better addressed in our state recreation management that we are wrestling with in many of our popular rivers throughout the state. We believe this draft plan effectively uses criteria based on sound fishery science to use adaptive science strategies using defined goals and triggers for a responsive management plan to guide fisheries management in the reservoir system for the next ten years. FWP recommends approving the draft plan as presented and sending it out for public comment.

Chairman Vermillion asked Mr. Roberts if he could outline the public process after we make our decision today going forward.

Mr. Roberts stated that shortly after the meeting today and if the Commission approves the draft plan, they will put that out for public comment. This will be for a minimum of 30 days or maybe more depending on what we hear or see. The intent of this will be for us to take the final draft to the Commission for the December Commission meeting.

Chairman Vermillion wanted everyone to know that this is the beginning of the public comment process.

Motion: Commissioner Brower moved and Commissioner Aldrich seconded to approve the draft 2019-2028 Upper Missouri River Reservoirs Fisheries Management Plan as presented by the department and collect comments on the draft plan.

Commission comment.

Vice Chairman Stuker stated earlier that he was concerned about the committee participation at the June meeting. He said a previous scoping committee hardly anyone showed. The first one we were missing some participation. When you make selections for this committee or any committees in the future, are you asking if they can attend or not? There were no representatives from the walleye or trout organization that attended the second meeting. One of the individuals that you put on the committee did to attend either one but, he did have a substitute sit in for him. He advised that he was not sure about the time frames. Vice Chairman Stuker received an email regarding the first meeting asking if he was going to participate in that meeting. If that was the short notice for other committee members, then that is a problem. It so happens that he had a commission meeting on Thursday here and went to the meeting on Friday. He also attended the next one.

Vice Chairman Stuker stated that it was mentioned a few times that things were overwhelmingly supported by the scoping meetings. He did attend the meeting in Great Falls. There were 13 people there. There weren't too many comments at that one. At the Helena meeting he is not sure about the comments given there. The other three sites basically no one showed. Yesterday he found out that even though the Department sent out a notice of a meeting to the Townsend paper, it did not get placed in the paper. He asked if maybe this is what happened in Bozeman and Butte? In the two towns where we knew it was in the paper, we had 13-50 participants. In the other towns, we had no one show up. There was only one participant in Bozeman only because one of the scoping members from Helena showed up to hear the comments. Another question he had was about the gill nets. Some of the correspondence he received was questions about three-inch net and if the data was used in the plans that we had out there or any others used. You talked about varying sizes and largest was a two inch. He realizes he has asked a few questions but he would appreciate if they were answered. Thank you.

Mr. Roberts stated that the time frame of the scoping committee began reaching out to the angling groups and those interests in early June. It was late before we reached out to the Commission to get a Commissioner for that group. To get members on that panel, especially with the organized angling groups, we started out with the directors of Trout Unlimited and Walleyes unlimited to seek out who they wanted to see on the panel. It took a while to shake that out. It was late when we brought the Commission on board. We appreciate the Commission serving on the board it was very helpful.

Secondly, as far as the public scoping meetings in Great Falls and Helena were well attended. There was one person between the other three meetings. We did do a press release for the Great Falls office in early July. Following the poor attendance at the Butte meeting, we sent out a press release prior to the Bozeman, Helena, and Townsend meetings. The press release was issued. As far as what happens with the press release once it is released, Mr. Roberts does not know how that transpires. Perhaps Greg Lemon from the CommEd division could tell us more about that if he is here.

The final subject to bring up is the gill nets. This has been a contentious issue for quite a while. There are two different styles that we use. Especially in the fall during our walleye monitoring series. One is called the experimental gill net. Those are what we call our standardized experimental gill nets that are 125 feet long and have different sized mesh panels along the length of that gill net. The intent there is to sample different sized classes of fish. Managing a sport fishery, we are mostly interested in what you would call an eater size fish that are 12 to 22-inch in size. Once the fish get bigger than 25 inches, the 2-inch mesh with the experimental nets are not as effective at catching the trophy sized fish.

Chairman Vermillion asked if the fish go around the net? What do they do? What happens?

Mr. Roberts advised that what can happen is they can run into the net. The smaller fish get caught in between the bar mesh and then captured. Larger fish could swim into it and feel the mesh. They could back out of it or scoot around it. In the fall, we use 15 experimental gill nets. We supplement that with three additional sets through the entire series. Those are three inch set within each section of the reservoir to catch each trophy sized fish. What that allows us to do is get an idea of how many large fish are out there, what condition are they in, and what they are eating. Are there more males than females? What are the ages? It also allows us to evaluate a general abundance of the trophy fish. There is always a push for us to do slot limits or one over various length restrictions. Having an idea what is going on with the larger sized fish is very helpful in evaluating effectiveness of the regulations for the trophy fishery.

Vice Chairman Stuker stated that slot requests were mentioned several times. He thought that were some slot requirements in the plan. What are they and how do you implement them? The adaptive management plan you mentioned has a rolling three-year average. He may have misunderstood in the meetings that may not be a three-year roll. A three-year roll is better than three years waiting for something to happen. Can you address that please?

Mr. Roberts stated that it is debatable what a slot limit is. We essentially say that one over regulation is a slot limit. For example, at Canyon Ferry it is one fish over 20 inches. Once the fish reach 20 inches, you are only allowed one fish greater than that in your bag limit. As you move down stream onto Hauser and Holter Reservoirs, there's a one fish over 25 inches allowed in the bag limit. The intent there is to protect the trophy component of the fishery. There are times of the year where large fish can get captured. It's desirable by many of our anglers to have a large trophy component of our fishery. Having the length restrictions of one over ensures that we are protecting the trophy component.

There is often a strong push to have a traditional slot limit where there is no harvest of fish within sexual maturity. That would be effective according to our testing and modeling at improving walleye numbers as well as reproduction. In the case of Canyon Ferry, proving walleye reproduction isn't necessarily a good thing. Our problem right now is too many small fish because we keep seeing a perpetual cycle of the fish that are out there are reproducing successfully year after year. Because of that we end up with all these small fish. Protecting spawning fish will perpetuate that cycle. We can risk perpetuating that cycle even longer. That's the reluctance of instituting a slot limit. Likely, it would improve our recruitment too much.

Also, Vice Chairman Stuker you mention the rolling average. That is something that we have had a hard time communicating. It's hard to understand. It accounts for each three year and every year we are adding to that. If there is a sudden change in the fish population such as the walleye in Canyon Ferry last year, there was a large increase in the number of walleye. There was an increase in the three-year rolling average of the trigger point. This is why we took action when we did. When there are extreme changes, even over one year it will likely trip a trigger if the numbers are really high or really low. The plan is methodical in that if we do see a one year blip and then the next year we see it fall back down, having that three-year rolling average smooths the noise down a little. It allows us to be more adaptive. It voids the knee jerk reaction as the fisheries change.

Vice Chairman Stuker stated that he had one final question. He wanted to know about the stretches of river between the reservoirs. He received several comments about how that should be managed differently from the lakes because it could be a different biological zone. If you could please address why they are managed together and if things are the same in both places. Thank you.

Mr. Roberts stated that they just wrapped up research on the Missouri River above Canyon Ferry and from Toston to Canyon Ferry. What we discovered from that research was based on a fish radio tracking study was a high degree of interaction of river and the reservoir. The fact is that the two are not independent of one another. What we also found was that the lake fish moved into the river and used certain habitats of the river. They would then move back to the reservoir at different times of the year. Because of that high degree of interaction which was much higher than we were expecting, we recommend that they are managed together into one system. There are similar things going on in the river below Hauser Dam. This is different because it is more of a cold-water fishery. We manage that more toward that direction but, we do still see the strong interaction between that river section and Holter Lake. There is a lot of interaction of fish moving down from the river into the reservoir. Any brown trout there are migratory fish. They move out of the reservoir in the fall and into the river section. With that interaction, we manage each of the river sections as part of the overall system.

Chairman Vermillion asked about the data. It seems the perch numbers have been down that last couple of years. The walleye numbers hit an all-time high in 2017. Is it too simplistic to say that this is related or too soon to tell if the walleye numbers are related? Is it the spawning loop that you are talking about or something else?

Mr. Roberts advised that there are a lot of factors at work. He doesn't think the two are independent of each other. Seeing an upwards trend in perch numbers and seeing the upward trend in walleye numbers. He doesn't think that is a coincidence. They know that perch is an essential forage for walleye and they sympatric to one another. They evolve together. What is happening with one species is not necessarily independent of one another.

Chairman Vermillion stated that he remembered that in 2009 that there was a real concern about the forage fish. Were they having a hard time as the primary forage fish for the walleye and the perch. There was concern about the forage fish supply and has the Department determined that this is still a problem? Is the surging walleye population part of that? Are they catching snaky looking fish or beefy fish that look good?

Mr. Roberts answered that the condition of the fish is pretty good. Forage is always an issue. When you are talking about western reservoirs, they are relatively sterile systems. Especially when you compare to lakes in the mid-west where there is diverse plant development. We don't have the diversity of species that you would see in other places. Perch are our primary forage. We are managing them for a forage base but to also to help maintain a sport fishery. That is the intent of lowering the perch goal from ten to six on Canyon Ferry. This affords more flexibility for managing walleye. Based on our long-term data, we feel by adjusting the goal that will help maintain the fishery.

Chairman Vermillion stated if perch is managed as a forage fish would this then this be good for the rainbow and the walleye?

Mr. Roberts stated that was correct.

Director Williams stated she had a question for Ms. Ryce regarding Vice Chairman Stuker's question about notice of the scoping meetings in Butte and Bozeman.

Ms. Ryce stated that she did discuss this with Vice Chairman Stuker yesterday as to whether or not our press releases were put in the newspaper. She knows that the releases did get out to all the newspapers including Townsend which is a weekly paper. She did bring the issue up to Mr. Lemon who was going to be present to answer that question.

Greg Lemon, Administrator, CommEd, stated there is an email list to which they send the notices that includes all the newspapers in the state. That is the primary communication with the newspapers. We don't always follow up with them to see if something was published. We don't send an email or make a call because it typically isn't a problem. If it is a local issue, newspapers will run the notice or the press release. He has not visited with the Townsend paper to see if they ran it or it got missed. His experience with small town newspapers are they are always looking for content to fill the paper. If someone were to call and say the meeting wasn't posted, it could be that it was ran and they just didn't see it. He can certainly follow up on that. We also put out social media posts. We use social media and our website to release all of our posts. There are multiple ways we try to get the information out.

Chairman Vermillion stated he noticed mention of the fact sheet regarding the fishing tournament for Holter. It sounds as if there are three tournaments a year on Canyon Ferry, correct? If that is the case, why is there a distinction between the two? Is because of the way Holter is situated with a narrower corridor and Canyon Ferry is better set to handle a tournament?

Mr. Roberts stated that was the situation. Canyon Ferry does have better access and those access points can handle more traffic. There is also more surface area. Hauser Lake has one fishing tournament. It is a local club that has that tournament. The club does take measures to make sure that they are not conflicting with the other boaters as far as scheduling and timing. They try avoid conflict the best they can. Holter is a different situation. It has very limited access points which have very little capacity. During any season, there are a lot of boats on Holter. This is a real concern. There are some tight spaces there.

Commissioner Brower stated he was surprised to find that these bodies of water are the second most used in the state. This should be a red flag to the Department on how poorly the meetings were attended. With the calls that we have been getting and the attendance today, it is not an issue of people not caring about it. He wondered going forward what method the Department is going to use to make sure the meetings are communicated to the public. In the school setting, unfortunately some people do not always read the newspapers. The same with radio. Everyone seems to have satellite radio so maybe the radio feeds don't get out. The ways have changed how we get the message out.

Mr. Roberts stated they encourage public participation. We weren't trying to do this under the cover of midnight. We did a preliminary scoping exercise the spring of 2017. This was to get a feel for what people's concerns were. What would they like to see changed? We have a spring meeting every year. The spring 2018 meeting was no different, we advised people that this process was going to occur in the summer. They tried to publicize the public meetings for people to go to. We use the press releases and social media to get the word out there. We are open to suggestions as how to better engage our constituents.

Director Williams stated this something we are aware in the Department. How can we engage people the best way we can and how to do the scoping meetings a different way? She has pulled in staff to look into that especially since we are in planning efforts. Today is the start of the public comment period.

Commissioner Brower stated that is not to say the public doesn't have a responsibility in it as well.

Commissioner Colton stated he wanted to follow up on what Vice Chairman Stuker had said early on about scoping meetings. What we know is that we did not have a lot of public participation. In situations like this when we are looking at a new management plan and we haven't had a lot of participation in scoping it adds extra burden on the Commission. In terms, it puts provisions on a us to make a lot of changes in the process. That is not an ideal situation when the Commission is trying to make adjustments based on comments. He is not looking to place blame for the meetings. We didn't have the comments that are coming in now that

could have articulated and added to this draft. As we move forward today, we should give a couple of things consideration.

This is a ten-year plan. It is not a dramatic departure from the last ten-year plan. That is due to lack of full scoping. In the last presentation, we have our four-year cycle on regulations. We have very specific criteria on how we are going to make changes to those regulations. The Commission has to decide their comfort level with that criteria for a body of water and its management area. He would say more specifically Canyon Ferry. Does it make sense to have strict four-year regulation set using the exception criteria to make changes? Is the Commission interested in something more responsive and how do we coordinate that with the Department? He is saying this as to broadcast to the members of the public. He will be listening to comments and trying to make decisions. Commissioner Colton believes that the situation as Commissioners is that we are going to have to engage and make some adjustments because scoping did not address the adjustments that are now being talked about by the public. He received a lot emails and talked to as many folks as he could. There are some pretty strong consistencies in the concerns that are not necessarily articulated in the plan. The broader idea of areas like this that are so heavily used and they are going to continue to be used. Technology is getting better to catch fish and people are enjoying it more. As a policy, we need to think about how this is going to work with a ten-year plan on something that is utilized this much. Again, he broadcasting to people how he is going to be listening to the comments and appreciates everyone being here.

Mr. Roberts wanted to clarify the regulation changes through this plan can occur at any time. It is not tied to the four-year cycle. Anytime we trip a trigger or the management plan prescribes management action, we can take that action at any time. This will allow us to propose changes whenever needed.

Commission Colton stated that was what he was looking for. The trick with that is there needs to be a lot of attention and the triggers or criteria have to be met. This is a little bit different than something taking place and then provoke comment. If you change a regulation every year people will worry about getting to the meeting. It is the same with the Commission. He appreciates the clarification and is looking forward to see if the public thinks this all adequate.

Chairman Vermillion stated public comment will be taken over the course of 30 days and is confident there will be a lot of written comments. Comment will be limited to three minutes per person. This is the beginning of public comment. In the extent, there will changes to the plan between now and the next meeting to be presented at the next Commission meeting in December. Public comment will be taken then as well. This will regard any changes that the Department proposes as part of the final ten-year plan.

Public comment.

Region 3- Helena

Dale Ebert, Ohm, Montana stated the regarding the four-year cycle and the ten-year plan disturbs him. He brought this to the attention of the Department and the Commission last year over the conditions of the fisheries in central Montana. The entire process where the ten-year cycle that would address the conservation of species isn't working. He sees it looking worse that it has in 38 years. Nothing was done this year to try to make changes for improvement and that is discouraging. As far as the Canyon Ferry management plan, he has fished there for years as well as the Missouri River. In the past, he has been involved with various working groups to help shape the management plan that is in effect right now. He has concerns about the new plan and your request for approval as it is currently written. There was a significant effort last time to get the Department to adopt language to provide a quality multi species fishery. That is what we all want.

There was a lot of effort to make an adaptive plan that changes could be made over the course of the plan. This is something cut in stone which seems what it has been. He feels that the current condition of the fishery should be seriously looked at. He would like decisions based on that. There is a lot of information available that can be gleaned on what our history has been. When looking at Holter and Canyon Ferry with the information that we have today which includes the gill netting information on Canyon Ferry and Holter, things do not look good. It is to the point that he does not want to fish there anymore. In 2018 they had 101 fish in the nets. Out of those fish only six were 15-19.9 inches. This is the quality of fish people want to take home to eat. Thirteen fish were netted that were over 15 inches compared to 2014 when they netted 25. In 2015 there were 28. This was with a net that had a slot that allowed over 16 inches to be kept at a total limit of ten and maybe one over 28 inches.

There is history that we can look back on. We can learn from this. We have 25 years' worth. The most significant thing is the draft plan as it is written needs some revisions. If we were to operate under that plan right now, we would just be repeating things. He doesn't think things are working well right now. History proves that it could be better. Looking at prior years there are plenty of fish that are over 15 inches. At the same time, we managed a quality trout fishery. If this has been done for over 25 years and it is not working, why not try something different. The plan says if it is determined that it is over harvest then the limits will be revised. If we had smaller counts according to the plan we would do nothing. He doesn't see over the years where the Department has made any exceptions. The plan needs to state the way it really needs to be. We have a lack of quality fish. The plan needs to allow for changes beyond a three-year average. Things change.

He doesn't feel the Department is doing anything to improve the quality. Maybe the triggers need to be removed from the plan. He thinks that the Missouri River below Holter should become part of this plan. He is concerned about the stated goals of the plan.

Matt Zeto, Townsend, Montana stated that a lot of the people in the room today are Walleye Unlimited members. We all really care and have a deep passion for the sport of fishing. There were good points brought up but he wanted to touch on the ones for the Commission to please look at. The ten-year plan is not working. One of the goals for the river above Canyon Ferry is to manage the walleye population to minimize the impact on existing trout and forage species. He doesn't think anyone here wants a low-level sports fishery. This is in the draft for the management plan. The management plan says rainbow trout and brown trout provide fishing opportunities in the spring and the fall. Walleyes likely comprise the primary sport fishery during the summer months for the last the last five to ten years. He thinks that is true. More people want to fish for walleyes. It's a proven fact.

Why are we trying to suppress a fish that is sustaining itself? It's not costing anything. It just takes a little hand from management and we can make this process work. Please look at this management plan more closely. The Commission did a great job covering all the concerns about this. If you read the management plan about the criteria as well as goals that are laid out for the fish, it is not good. He feels that it just needs some rewording. Instead of having a secondary management plan why can't this be put in with the primary plan? Thank you.

Jim Gillespie, President, Walleyes Unlimited, stated he read through the management plan and he doesn't like the wording in it. He doesn't like the lack of involvement of the people who were on the committee. With the knowledge that they didn't have based on this. They weren't the authors of the plan. He recommends this be looked at more closely with more involvement from the public. He was invited to sit in on the very first scoping committee. He sat in the meeting with a representative from Trout Unlimited

and had a nice conversation about all this. He would like more involvement before a decision is made. Walleyes are a money maker. They are fun to catch. This isn't just about the walleye. Thank you.

Lance Cresky, Walleyes Unlimited, Bozeman, stated he had some very specific things that he would like to see more regarding slot limits and regulations. He feels that is all gauged toward the quality of the fishery. No one want to see a bunch of small fish that are not healthy. He is okay with reducing the number of the small fish if there are too many. We have had a 42 percent reduction of fish in one year. We are lucky to live in Montana. We are fortunate to have a Commission that is passionate about the outdoors as the rest of us. He feels that everyone is on the same side. He would like to see the upper Missouri river become the best fishery ever. He believes that working together and making the right changes could make the upper Missouri a quality fishery. We need to look at how we are sizing the fish and try to take the stress of the medium sized fish. Let them get established. Let's make the plan adaptive so when the population change we can address that. We want a healthy ecosystem. It is in the plan already. It shouldn't be secondary. Fishing is more popular than it has ever been. People move here from everywhere to utilize our natural resources. This is happening at a higher rate.

The river above Canyon Ferry doesn't necessarily share the same fish. This is the same argument to limit the fish in the river. If this high limit is on the reservoir, then we can knock them down on the river. The river during the walleye tournament can get very congested. If you get a high percentage of boats and mix it with people floating down the river there is not enough room. If you have a group of people that decide that is the spot to be in, then congestion will only get worse. He thinks that the health of the entire fishery needs to be addressed. He asks that the Commission deny the plan and get more public comment. Thank you.

Brian Tomlinson, Harlowton, Montana stated that he fished Montana all his life. The quality of the walleye fishing is dismal. He feels that if he were to compare this to ranching and the ten-year plan, then the stock on the ranch would never reach maturity and he would be out of business. He would like to see more trophy fish as well as more catchable fish such as trout or perch. He would like this changed from a ten-year plan to a three to five-year plan. He asked the Commission to make this plan so that it is adaptable. Waiting ten years to change a plan is too long. He doesn't agree with the netting surveys. It says that there are 10-12 inch walleye in the lake. That is unacceptable. He thinks the larger fish are getting over harvested. If the plan is triggered by having 10-12 inch fish, that is skewed data. That is not allowing the managers to clearly manage the fish to be a quality balanced fishery. Ten years ago, Walleyes Unlimited met with Mr. Roberts and agreed that the smaller fish needed to have more harvest. We also need to allow some of the smaller fish to reach adulthood. We need to lessen the spawning as Canyon Ferry has unlimited spawning habitat to allow other species to be able to also thrive. We have been working on this for 20 years. It just doesn't work.

He would like to address why no one shows up to the meetings. Frankly, it is because no one thinks that they will be heard. He has attended many FWP meetings and it seems that people voice their opinions but isn't taken whole heartedly. Thank you.

Jacob Sperlock, Townsend, Montana stated he agrees with the prior public comments. It pretty much covers how he feels. He thinks the plan needs to be reviewed. He feels the plan could be better. Thank you.

Mike Sedlock, East Helena, Montana stated he represents the state walleye organization. He was member of the first committee that formed the first plan. He sat on numerous meetings for the second plan. Our stance on this issue is we do not have a good quality fishery. We have been using the same plan for 20 years. Nothing has changed. We support doing things differently. He knows that there is no magic solution to the problem. Things do need to change. Thank you.

Chad Warberry, Bozeman, Montana stated he agreed with all the things that have been commented on today. Some good points have been made. He has a Facebook called Montana Fishing Addicts. There are a lot of people on there that fish Canyon Ferry. They comment that they catch nothing but small fish. They are tired of fishing there and would rather drive to Fort Peck to fish for walleye. Canyon Ferry has a large amount of walleye but, the quality is not here. He would like to see a better abundance of the over 16-inch fish. We are not asking for a trophy lake just a quality fishery. Please do not pass the plan as it is. It needs more work. He feels that the Commission agrees with some of the comments today. Please look into this further. Thank you.

Travis Sledowicz, Helena, Montana stated that he grew up here. The fishing used to be good at Canyon Ferry about 20 years ago. There was a 20-fish limit per day and 40 in possession. People flooded in and decimated the lake. A few years later he came back to fish a walleye tournament. He pre-fished before the tournament and only caught one fish over 14 inches. The fishing out there is horrible right now. It needs to go back to the way it was. He asked the Commission not to pass the plan. Thank you.

No further public comment.

Chairman Vermillion thanked everyone for coming out and commenting. There will be 30 days of written public comment. If we approve it, it would become activated for regulation moving forward. Before we vote is there any comment from the Commission?

Commissioner Colton wanted to touch on some things. It wasn't FWP's fault that we didn't have proper scoping. He didn't want it to sound that way. We just needed this kind of involvement in July. We all share responsibility for that. We get busy. The notices aren't there and it makes it tough for the Commission to take comment on a draft document that you are all interested in. He does not want to downplay the importance of the plan and managing this body of water. Think of the time that we spend on elk. There is certainly more fisherman than there are elk hunters.

These are outdoor resources for a lot of folks. Fishing is more of a family affair for all ages of the family. Not so much regarding elk hunting. This affects a big group of users of this resource. We have to take this into consideration and make sure we do this right. He has anxieties about ten year plans. He realizes the triggers are in there but sometimes the switch does not get flipped. The switch doesn't get flipped unless there is something that prompts us to focus on what's going on in that particular fishery. He isn't sure what the fix would be for where we are at. He wants to know if the Commission can work with this document through public comment and encourage the Department to make changes that are necessary. Do we want to consider a shorter period of time to approve the plan? There is a lot to visit about. We need good weights on the walleye.

Chairman Vermillion stated that listening to all the comments, there is broad agreement on the issues that there is a huge supply of walleye that are smaller which is affecting the quality of Canyon Ferry fishing. He feels that everyone shares the same goal of producing a better fishery. There is however, substantial disagreement on how to accomplish the goal. His question for the Department is that it was brought up awhile back about having a robust public process. He thought the Commission spoke to this very clearly. They wanted something that mirrored the participation of the very first meeting ten years ago. He's not placing all the blame on the Department for the lack of involvement in the run up to the production of this plan.

He doesn't know if the public process ten years ago, was more robust, inclusive or more extensive in this particular process. It sounds like this one was more truncated. We suggested that this would be a smart way moving forward to a point where you have a plan and not enough people involved. He asked Mr. Roberts

and Ms. Ryce how they feel about things based on the public comment heard today. How do you feel the Commission should move forward? What would be the best way for us to move forward and honor this public comment? What is tricky is that we have a management plan for one thing and it is a guideline document. It is not the regulations that we will put into place that will be separate. The regulation will reflect whatever we decide today as well as the management plan if we decide to pass it.

One of the reasons he felt it was important to have public participation on the front end was to make sure that when we did come up with the regulations we wouldn't have to go through this process every time we talked about regulations on Canyon Ferry. He is worried that was not accomplished. What he sees today without blaming anyone is it doesn't feel like that happened. We went through the process and didn't create a conclusion or document that doesn't have enough support from the public. He asked for suggestions.

Ms. Ryce stated she would start off by saying that they were also surprised by the lack of turnout at the public open houses. We would have preferred to have seen more people. She and Mr. Roberts split the meetings between them. We had presence from the Helena office at all the meetings. We too agree that we wanted to have a thorough public process. What we have been hearing this last week is that we missed the mark somehow. What we may have done wrong was relying too heavily on the angling organizations. We did reach out to heads of the organizations to appoint people to the scoping committee. We also relied heavily on the representatives to bring comments back to us. Some of the members of the scoping committee are here today. There were obviously a lot of voices not heard. She and the region staff did reach out to the people about the open houses. We all know that summer is busy. We did hold the meetings in the evenings but didn't get good turnout.

In terms of moving forward, she and Mr. Roberts have discussed the potential of doing further scoping. We would be willing to accommodate that. The only reason we were trying to get the plan finalized by December was to separate the plan process from the regulation process which is going to be big for us next year. In the long term, it does not make that much difference to miss the December deadline. We will work harder to make sure that everyone knows what the processes are. If we do additional scoping I would ask everyone here to help us find the best way to get input so that when we bring the final product it is reflective of those comments.

Chairman Vermillion stated for example we don't approve this. We go back for more scoping and create a broader communication process for the draft management plan. This will not affect the fishing regulations one way or another for 2019. Those are set unless there is some sort of catastrophic event that occurs between now and printing. So, the regulations are already approved for next year. What we are talking about is fishing regulation changes for 2020 going forward. We have some additional time to reflect on some of the comments. He thinks the other Commissioners would like to see more refinement in the plan. Maybe we should consider a five-year review plan like the one for the Big Hole. It seems like a sensible check in. It doesn't have to be as extensive as the scoping process in creating the original ten-year document. He thinks that is worthwhile having a check in.

It sounds like there is agreement there is too many walleye of a certain size in Canyon Ferry. We need to address what would be the better slot limit. He concerned that the fishery isn't high enough quality to attract fisherman. We need young people out there to enjoy this sport. We want to provide as much opportunity as possible as well as reflects the more serious fisherman.

Ms. Ryce asked about clarification so everyone understands the regulation process. The 2019 would have been voted on today and could be changed as they were last year. The fall gill netting is still going on. The biologist is literally on Canyon Ferry right now finishing up. The changes would be based on the plan as in

place right now. The only issue with finalizing the plan is that we would be working under the existing plan.

Commissioner Aldrich stated attended a pre-scoping meeting in Helena last spring. He has also attended a couple of angler's forums. There has been considerable discussion of walleye. Part of what is lost to him in these discussions that we talk only about walleye. We are trying to manage for a three-specie fishery. He knows that the information people are using in their strategies are based on what is there and where they are supposed to be headed with all of these things. He thinks they really need to focus attention on the management of the lake and walleyes are missing a full understanding of the starting point. He doesn't know how to transition that population quickly from where it is to what people want. He does not see that happening without using some kind of measures that we would find acceptable today.

What are the tools that we might have to make this transition and what pays? Are we willing to do those kinds of things? When the Fisheries department works on these kinds of things, we don't give them a mandate for big walleyes. This doesn't give us the opportunity to use our science and research. He feels they should into this cautiously as we dive into this.

Vice Chairman Stuker stated something that was brought to him several times was below the dam. The river there is not part of the management plan. He also understands that when you have a plan that talks about specific resources you can't go too far. Could that stretch below the dam be added into the plan. He knows that it is managed as a different type of fishery. There is walleye that wash over as well as other types of fish. He is curious about that. If he came down on the Department that was not his intent. It was everyone involved in the process dropped the ball. That is what we need to work on.

He agrees with Chairman Vermillion that if we have time we should go back to the drawing board. If there is no time and the changes are not made then or seriously looked at, he would have trouble voting for it in December. Whichever is the best process to start over. If you do start over and there is some sort of committee to look at this he suggests that there be two or three people from each group. It might be tough but, if one of them could not make it then you will still have someone there to represent. He thinks it would be important to do something like that. There have been many points brought to us today. We definitely need to look at them. He agrees with Commissioner Aldrich that it is a multiple species fishery that we have to manage for all. There all types of fisherman. Not having enough budget to plant fish out there certainly added to it. He has stated that people have to be involved. For example, quiet waters was moved in a different direction due to public participation.

He understands how people feel when they say they don't think the Department listens to them. He has talked to other government entities and felt the same way. The Commission needs to be very cautious moving forward. We also must make sure that we hear the people and their concerns. The Commission needs to take all that into consideration. He'd like to see in comments about the river. Do the Commissioner want to address that? We need to look at all this and see about incorporating some of the things into the plan. Thankyou.

Ms. Ryce stated that the lower portion of the river was not included is because it is a cold-water fishery. The plan primarily addresses the reservoir fisheries that are a different type of fishery. What we could do is with additional scoping, we can put that on the list as one of the things to consider. We also think your idea of having two or three individuals from each group is good. We would be happy to do that.

Chairman Vermillion stated that it seems there is broad consensus. We can vote down the motion and send it back to the Department or suspend the motion and have the Department came back with a new plan. It would have incorporate the comments and scoping. He thinks that there is a lot of good public comment on

the status of the of the plan right now. He thinks that it makes sense to incorporate all that and come back to the Commission with a new plan.

The comments regarding the lower river, this is a conversation today about reservoirs. If you want to expand the scope of conversation as it is part of the Missouri River Management Plan. If you go below the dam to the cold-water fishery that would complicate the conversation. If that is the way you want to go then you will probably have a room with 30 walleye fishermen and 3,000 trout fishermen. He suggests that we simplify the conversation on the upper reservoirs as this is what the conversations about today. That is a more workable piece of territory. He thinks that would be more productive.

Vice Chairman Stuker stated he doesn't have a problem not including the lower river. It is something to look at in the future. Maybe just take it in a few miles. He agrees with the other Commissioners that we can cut this down and build in some mandatory reassessments. The overall actions you take are based on the management plan. In three years, we can look at it and say this is not working. We can change the plan rather than what is not working in the plan. Thank you.

Commissioner Colton stated he was here when they voted on the cold-water fishery and the impact on the walleye. He thinks if that creeps into this conversation about what we are trying to do here, it will create a lot of problems that no one really wants. The management plan for the cold-water fishery will come up some time in the future and we will address it. Expanding a specified warm water fishery into another could lead to no plan being approved. It's like apples and hand grenades. There will be a time when we evaluate that water. It has a specific designation that controls how it is managed. We have specific concerns about specific waters and we want to address them.

Vice Chairman Stuker stated that he wanted to withdraw his request for now. He wants to make sure the people in the room today show up and comment.

Commissioner Brower states that he hopes that this alleviates some of the concerns. The Commission does listen. This benefits us more if this type of thing happens initially and not after the draft has been brought to us.

Director Williams stated that FWP relies heavily on public comment and citizen's advisories. We need your input to be able to do a good job. It sounds as if the committee that was put together didn't work the way it ought to. Instead of thinking that we don't want to listen, we are constantly trying to figure out how to adapt. We want public processes that work. How do we get the public's engagement that we can really respond to? That is part of what is happening here and we do want to be responsive.

Commissioner Aldrich thinks procedurally there are some flaws. We need to do better. We all need to speak up but we need to listen too. It is a challenging situation to do what some people want to do. We have to be willing to be informed as well.

Chairman Vermillion stated that based on comment and where this headed. It would make the most sense to rescind the motion and ask the Department to come forward with a draft that incorporates the public comment in another draft that refines all the procedures. Make sure the plan is affirmed and confirmed before bringing it back to the Commission so we can then set the regulations in August of 2019. That gives some time to work on it.

Any in favor of passing the Draft plan?

No one in favor.

Motion fails 0-5

11. Fishing Access Site Biennial Rule

FWP is recommending the commission propose a Fishing Access Site Biennial Rule for 2018-2019. The rule pertains to:

- *Fees (camping, group use permits, facility rentals, special recreation permits)*
- *Stipulations on camping at fishing access sites*
- *Group Use Permit requirements (groups of more than 30 people)*
- *Special Recreation Permit requirements (permit system in place on the Blackfoot and Madison rivers for commercial use, competitive events, organized group activities)*

The new rule would replace the current FAS Biennial Rule, which was adopted by the commission in December 2016. The proposed rule contains no changes to the fees, stipulations or regulations governing the activities listed above.

Upon approval of the proposed rule by the commission, FWP will announce and conduct a public comment period. This will be advertised through statewide and regional press releases. FWP recommends the commission propose the FAS Biennial Rule as presented. The department increased the camping fees in 2016 and does not see the need to change them again so soon. Similarly, the permit requirements and stipulations for camping have been effective and are not judged to be in need of change.

Eileen Ryce, Fisheries Administrator, stated that in the Fishing Access Site Biennial Rule there was an error in the materials that we gave you. The dates of 2018 to 2019 should be 2019 to 2020. We will make sure that is all corrected before any of that goes out to the public. The Fishing Access Site Biennial Rule addresses fees, camping, group use permits, facility rentals, and special recreation permits. The proposed rule contains no changes from the rule that was adopted by the Commission in 2016. In 2016 the department increased the camping fees and we do not see a need to change them at this time. The recommendation is to seek public comment and then return with those recommendations at the December meeting.

Chairman Vermillion stated that it sounds like no changes for the 2019-2020 rules. He asked for motion to reflect the changes for 2019-2020.

Proposed Motion: Commissioner Brower moved and Vice Chairman Stuker seconded that the commission propose a Fishing Access Site Biennial Rule for 2019-2020 and seek public comment.

No public comment.

No Commission comment.

Motion passes 5-0.

Chairman Vermillion stated that it sounded like the fees were going to be kept the same. The use of our fishing access sites is exploding. He assumes the maintenance demands are also growing. Is there a reason that we did not raise the fees to reflect management expenses? And do we have the authority to do that?

Ms. Ryce stated that in 2016 the fees were increased to be more comparable with Parks fees. At this time, they did not feel it was necessary to change them further. During the last legislative session, the fishing access site program did receive a significant increase for things such as maintenance. What we are now

hearing from our FAS staff is that they are doing better with the increased operation dollars of keeping up with those requirements. The one thing she has noticed is the significant use of our fishing access sites. They are finding that about 50 percent of the use is from non-anglers. That is something that we are concerned about and continue to look at. We did not see a need to raise the camping fees.

Chairman Vermillion stated that in Park County south of Livingston that the non-fishing users are way over 50 percent on the weekends. He thinks that it closer to 80 or 90 percent. He doesn't fish on the weekends because the river is so busy. Even though people have fishing rods with them that is not how they spend the time anymore.

12. Marias River Proposed FAS (R4)

This 3-acre site is being offered for sale by the Veterans of Foreign Wars (VFW). The site would be developed for wade fishing and carry-in boats such as canoes, kayaks and rafts. Development would consist of a small 3-4 vehicle parking area, boundary fencing and signage. Access would be via a county road and a secondary road with an easement by Northwest Energy who maintains a small power substation located on the west boundary of the property. Fisheries on the Marias River ranges from warm water species such as catfish and Northern pike to brown and rainbow Trout. Some noxious weeds are present on site but infestations are light and weed control measures will be incorporated into the regional weed management plan. Tiber reservoir is located just over 21 miles upstream. The BLM has three designated river access locations between Tiber Reservoir and the proposed FAS but they are not signed or maintained by the BLM.

There has been no public involvement to date. If endorsed by the Commission, the Department will proceed with negotiations and an environmental assessment that will include a 30-day public comment period. FWP recommends that the Commission endorse efforts by the Department to pursue a fishing access site on the Marias River. This is the first opportunity in many years to acquire property for an FAS on the Marias River. BLM provides some access opportunities upstream of this site but they are not signed for the public or maintained.

Eileen Ryce, Fisheries Administrator, stated that the Marias River Fishing Access Site is an endorsement for a three-acre piece of land. This is where we have a great need for access. This is the first opportunity that we have had in this area for a long time. The site is currently owned by the Veterans of Foreign War (VFW). If we can acquire the site, we would develop the site for wade fishing, carry in boating, and a small parking area. There would also be an area possibly for primitive camping. We recommend that the Department endorse our efforts to pursue the fishing access site.

Motion: Vice Chairman Stuker moved and Commissioner Colton seconded that the Commission authorize the Department to pursue negotiations with the VFW for the acquisition of a Fishing Access Site on the Marias River.

Nick Gevock, Montana Wildlife Federation, stated that we have a great system of fishing access sites in this state. This would fill one of those significant gaps. This is a great opportunity for all Montanans. He would like to thank the VFW for this.

No public comment.

No Commission comment.

Motion passes 5-0.

13. Terry Bridge Proposed FAS (R7)

This proposed project would enhance FWP's efforts to increase public recreational access to the Yellowstone River in Region 7. This proposed access site is approximately 24 river miles downstream from the Bonfield FAS and 11 river miles upstream from Fallon Bridge FAS. It would provide a much-needed public boat ramp in this reach of the Yellowstone River. This site was initially looked at in 2008, but negotiations with the existing landowner at that time were unsuccessful. The current landowner is willing to sell to the department 44 acres on the south side of the river with an asking price of \$66,000. DNRC school trust land borders this property and provides additional public river access for wade fishing and other recreational activities.

There is considerable community support but there has been no public involvement to date. If endorsed by the commission, the department will begin its due diligence process that will include conducting an environmental assessment and public scoping. FWP recommends that the commission endorse efforts by the department to pursue a fishing access site on the Yellowstone at Terry. This is a rare opportunity for the department to bridge a 35-mile gap in public access on this reach of the Yellowstone River.

Eileen Ryce, Fisheries Administrator, stated that this is another fishing access site for the Yellowstone river in Region 7. This proposed access site is approximately 24 river miles downstream from the Bonfield FAS and 11 river miles upstream from Fallon Bridge FAS. We are still working on surveying the property. The total acreage of the site could be as high as 100 acres. The cover sheet mentions 40 acres. If we are successful in acquiring this property, it would provide a much-needed boat ramp on this stretch of the river. FWP recommends that the commission endorse efforts by the department to pursue a fishing access site on the Yellowstone at Terry.

Motion: Commissioner Colton moved and Commissioner Brower seconded that the commission authorize the department to pursue negotiations with the landowner for the acquisition of a fishing access site near Terry.

Chairman Vermillion asked about the map that was provided. He wanted to know about the blue line going through the middle of the river and what that meant.

Ms. Ryce advised that she was not sure but, maybe Region 7 could answer that.

Brad Schmitz, Administrator, Region 7, stated that the blue line did not pertain to anything for FWP. Everything in red however, the part that is labeled DNRC which is a created river ground. This can be a challenge as we look at river sites on the eastern side of the state. A lot of that depends on who is paying the taxes and who isn't. We are still working with realtors and landowners trying to figure out who owns certain pieces of property. This little piece splits an awful large piece of river. If you remember Chairman Vermillion a few years ago we worked on opposite sides of the bank. You can see where the river bridge crosses and we are working with the landowner on that piece. We were trying to buy a lease there at one point and was not able to make that happen. Now ten years later, we are across the river with another opportunity. Thank you.

Public comment.

Region 3- Helena

Nick Gevock, Montana Wildlife Federation, stated that this is another great opportunity. This is a 35-mile gap in the river. We forget about our warm water fisheries. This is a neat part of the country that he has spent time hunting in but, not fishing. He commends the Region for pursuing this. Thank you.

No public comment.

No Commission comment.

Motion passes 5-0.

14. Upper Clark Fork FAS-Proposed (R2)

This proposed project would enhance the FWP's efforts to increase public recreational access to the Clark Fork River in the Upper Clark Fork River Basin. The proposed site is located on DNRC trust land property. FWP would work with DNRC to establish a perpetual easement for the FAS. Development would include a small parking area, boat ramp, vault latrine, fencing and signage. River floaters have pioneered a boat launch at another location a short distance downstream, but the proposed location provides a safer setting for development of an FAS as well as providing enough room to construct a parking area and boat ramp and latrine. Funding for this project will come from money already allocated to FWP through the Natural Resource Damage Program (NRDP). This will be the fifth site in the Upper Clark Fork River basin where FWP has used this funding to acquire and/or develop new fishing access. A new FAS at Racetrack Creek/I-90 junction (just south of Deer Lodge), also referred to as Paracini Pond, was completed in 2018. Both Bearmouth and Gold Creek FASs are scheduled for construction this fall. Several other Upper Clark Fork River locations are also being evaluated for future acquisition and/or development using the balance of the NRD funding.

There has been no public involvement. If endorsed by the Commission, the Department will begin its due diligence process which will include conducting an environmental assessment and public scoping. FWP recommends that the Commission endorse efforts by the Department to pursue a fishing access site north of Deer Lodge on the Upper Clark Fork River. This site was identified early in the process as a potential site for acquisition and development through use of the NRDP funding.

Eileen Ryce, Fisheries Administrator, stated that this was another fishing access site for an endorsement for Region 2. It is located near Deer Lodge just off I-90 Interstate. The proposed site is on DNRC trust land and would require working with them for a perpetual easement for the access site. Funding would come from the Natural Resource Management Program (NRDP). This will be the fifth site on the upper Clark Fork that has been acquired or developed with NRDP funds. FWP recommends that the Commission endorse efforts by the Department to pursue a fishing access site north of Deer Lodge on the Upper Clark Fork River.

Motion: Commissioner Colton moved and Commissioner Aldrich seconded that the Commission authorize the Department to pursue negotiations with DNRC to acquire a perpetual easement on DNRC property north of Deer Lodge for the purpose of establishing a new FAS.

Public comment.

Region 3- Helena

Nick Gevock, Montana Wildlife Federation, stated that in western Montana that a lot of work has gone been done with that river. The upper Clark Fork seems to have some significant gaps. You see people using county roads as fishing access sites. This will be a good site. Hope we can get it done. Thank you.

Steve Platt, Board Member, Montana Hunters and Anglers stated that they like the fishing access site for the upper Clark Fork. As the river is coming back, it is nice to see that there will more access to it. Thank you.

No further public comment.

Motion passes 5-0.

15. Clark Fork River Closure for DEQ Cleanup of Grant-Kohrs Ranch Area (R2)

The Department of Environmental Quality is conducting a cleanup project to remove contaminated soils in the streambanks and historic floodplain within the Upper Clark Fork River drainage. The next phase of this project involves the area around Grant-Kohrs Ranch National Historic Site. DEQ will begin cleanup of this area of the Clark Fork in October 2018.

Public safety is a concern during the construction period due to heavy equipment working in the area. DEQ is asking for a river closure from October 2018 to October 2020 to protect the public while allowing the cleanup work to occur. FWP would work with DEQ and their contractor to keep river sections open when/if compatible with construction activities. The department is proposing a biennial closure rule allowing FWP to close the Clark Fork River as posted to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through Grant-Kohrs Ranch.

CLARK FORK RIVER GRANT-KOHR'S DEQ CLOSURE

- 1) FWP closes the Clark Fork River as posted to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through Grant-Kohrs Ranch National Historic Site from October 2018 to October 2020.*
- 2) FWP may reopen the Clark Fork River prior to October 2020 when:*
 - a. DEQ indicates that conditions are safe; and*
 - b. FWP determines the closure is no longer necessary.*
- 3) This rule does not affect any rules that may be adopted to address unforeseen temporary, emergency situations*

FWP received seven emailed comments during the public comment period (August 13 through September 11). The seven comments were (one each) from Deer Lodge, Elliston, and Missoula; one was from Washington state and three did not indicate location. One comment supported the biennial closure rule, five opposed the rule, and one did not indicate support or opposition. (One of the comments in opposition was signed by six people.) Some people offered alternative actions.

FWP is recommending that the biennial closure rule is adopted so we can close the Clark Fork River to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through Gant-Kohrs Ranch from October of 2018 to October of 2020.

Eileen Ryce, Fisheries Administrator, stated that this is related to the Clark Fork River. DEQ is planning a cleanup. Autumn Coleman is also here from the DEQ if there are questions. There is also staff in Region

2 to help with questions. The next phase of the DEQ cleanup will occur around the Grant-Kohrs Ranch National Historic Site. Public safety is a concern during periods of construction. We will be working closely with DEQ to ensure that the river is open when possible. DEQ has requested that the closure period be October 2018 to October 2020. The river may be opened when conditions are safe or closure no longer necessary.

During the comment period, seven comments were made. Five of the comments were in opposition. Acknowledging the impact that the closure could potentially have, we are taking into account the concerns for public safety. FWP is recommending that the biennial closure rule is adopted so we can close the Clark Fork River to all public occupation and recreation including but, not limited to floating, swimming, wading, and boating through Gant-Kohrs Ranch from October of 2018 to October of 2020.

Motion: Commissioner Brower moved and Commissioner Stuker seconded that the commission adopt the biennial closure rule of the Clark Fork River around Grant-Kohrs Ranch National Historic Site.

Chairman Vermillion had questions. He wanted to know when the Department described working closely with DEQ to open the river when possible. He assumes that the concern there will be a lot of heavy equipment. He assumes that they will not be working all 12 months of the year. What will be the process that the Department will use with DEQ to inform the public? How would you make the determination also if it were not possible?

Ms. Ryce advised that was correct about the river being closed for two years. However, it is not being anticipated that the river will need to be closed for the entire time. Right now, there is not an exact schedule for when things will take place. There will be safety concerns. The Department will work with DEQ and the contractors to make sure when there is not a safety concern with the river being open. We will try to get the information out as best we can through signage and other means.

Chairman Vermillion stated this means that in July, if there is no construction then the Department will have it open if DEQ gives the green light.

Ms. Ryce advised that is what would happen. When there are no safety concerns, we will work to open the river.

Motion passes 5-0.

16. Missouri River and Toston Fishing Access Site Closure Rule (R3)

The Montana Department of Transportation notified FWP in 2015 of its intention to replace the Highway 287 bridge on the Missouri River at Toston beginning March 2019.

MDT will require the contractor to provide safe public float passage, including a 40-foot wide by 6-foot high effective opening between in-stream construction-related obstructions and appropriate navigational signage and hazard posting. However, MDT anticipates that there may be times when construction activities will create unsafe conditions for the public and requests that FWP be prepared to temporarily close the river and/or the entire Toston Fishing Access Site on a short-term basis to all use in the proximity of the construction site. MDT has asked the commission to authorize a rule that would let FWP, in consultation with the local commissioner, temporarily close the river and/or the FAS on a short-term basis during the new construction timeline, March 1, 2019, to September 30, 2020. The contractor, with confirmation from MDT, would be required to notify FWP of each occurrence of such a request. The contractor would be responsible for posting signs at upstream and downstream access sites notifying the

public about any temporary FAS or river closures. FWP understands that the Missouri River is very popular among the angling public and important to the regional tourism economy. For these reasons, FWP would only consider closures in the interest of public safety and if there are no other reasonable alternatives available.

FWP solicited public comment from August 14 to September 10, 2018. No public comments were received.

FWP recommends that the commission approve the closure rule as proposed. The rule would allow FWP to assess the contractor's request with input from MDT for a short-term closure and determine whether such action is warranted and whether there are alternatives that would have less impact on recreation opportunities without jeopardizing public safety.

Eileen Ryce, Fisheries Administrator, stated that this was in Region 3. Department of Transportation (MDT) will begin construction on the highway 287 bridge near Toston beginning March of next year. Due to public safety concerns MDT, has requested a short-term closure of the Missouri River Toston fishing access site. the new construction timeline is March 1, 2019, to September 30, 2020. During the public comment period, no comments were received. FWP recommends that the commission approve the closure rule as proposed. The Department will work with DEQ in prioritizing public safety.

Motion: Commissioner Brower moved and Vice Chairman Stuker seconded that the commission approve an annual rule authorizing FWP, in consultation with the local commissioner, to temporarily close a portion of the Missouri River and/or the Toston FAS on a short-term basis necessary to safely complete removal of the existing bridge and construction of a new Highway 287 Bridge during the time March 1, 2019, to September 30, 2020.

Chairman Vermillion stated that when he looked at this plan that he is glad he won't have to drive up that road much in the future.

No public Comment.

No Commission comment.

Motion passes 5-0.

17. North Sunday Creek Conservation Easement (Endorsed as Ponessa Ranch CE)

FWP proposes to purchase a conservation easement on approximately 14,301 acres of land in Custer and Rosebud counties, Montana. The North Sunday Creek Conservation Easement (Easement) is comprised of over 90% native prairie grassland that supports mule deer, antelope, sharp-tailed grouse, sage-grouse and other grassland-associated wildlife species. The Easement would preclude the conversion of native ground to other cover types, limit development, institute grazing standards and offer public access opportunities. Based upon the terms of the Easement, an independent appraisal service valued the Easement at approximately \$3,432,000. The purchase of the Easement would not exceed the appraised value. Funding acquired through the federal Agricultural Land Easements (ALE) program would cover approximately 44% of the total cost and Habitat Montana funds would cover the remainder.

Public scoping was conducted in February and March 2018, during which the public was asked to identify issues and concerns related to this Easement. Two comments supporting the Easement were received during the scoping process. The draft EA was released to the public and a public hearing was held in Miles City in August 2018. Ten comments were received through the public comment period. Six comments

supported, two opposed, and two comments neither supported nor opposed but offered recommendations. Responses to the comments were addressed in the subsequent Decision Notice that was released in September 2018.

To conserve and enhance the high conservation values and public recreation opportunities on this land, FWP recommends approval of this proposal by the Fish & Wildlife Commission.

Ken McDonald, Wildlife Administrator, stated that the North Sunday Creek Conservation Easement will be a final action. This is a project that the Commission has previously endorsed. It was previously referred to as the Ponessa Ranch. We have taken out names of places that we are interested in and are now calling it the North Sunday Creek Conservation Easement.

This is an easement on about 14,301 acres of land in Custer and Rosebud counties. It is a large easement kind of like the Horse Creek Easement. This is a large contiguous ranch in that it has 90 percent native pasture and grassland that has not been sod busted. The primary conservation value that we are trying to maintain is the native grassland. This is a project that we are doing in conjunction with the Agricultural Land Easements (ALE) program. The ALE program would cover 44 percent of the cost. The easement would cost approximately \$3,432,000. The Conservation Fund has money through the Cargill Foundation specifically for grassland conservation. They have offered to \$250,000 towards the price of this as well. The remainder of the cost will be covered by Habitat Montana. Like other easements it would preclude conversion of the native habitat to be maintained as native prairie. There would be no subdivisions or land splits. It would institute grazing standards and offer public access with a minimum of 400 hunter days per year. It would be walk in access with established parking areas.

We went out for public comment on this and we received ten comments. Six of the comments were supportive, two were not, two were neutral, and some were in the middle with concerns about the Land Board. The Region did a decision notice and recommend that we move forward. The Department recommends the Commission give permission to proceed. Thank you.

Motion: Commissioner Colton moved and Vice Chairman Stuker seconded the Fish & Wildlife Commission approve the North Sunday Creek Conservation Easement as presented.

Vice Chairman Stuker stated that back in June he asked this question because it dealt with another request to change an easement. What is the Department process to change an easement and he still has not received anything in that regard. He heard it was supposed to go to a certain desk and got denied by another desk. That kind of concerns him. When he looks at this easement on page 41 of 147, in the agreement it talks about prior approval. In the old ones, it was sent certified mail if there was a request for the landowner to change it. If the Department didn't answer in 30 to 60 days, then it was deemed approved. This one states that if the Department does not answer in 30 to 60 days then it is deemed denied which he likes.

The question that he has is that if we go through a conservation easement and it comes through the Department. The Department looks through it all, the Commission has to approve it, and then public has to comment on it. It then goes to the Land Board under the last ruling he saw. When he took a closer look at this, it appears that the Department can make any changes that they want with the only caveat being any changes have to be beneficial to FWP. Without knowing how that procedure works and knowing there are folks in this room that are good at writing. You may write something up that looks beneficial but, may not be to the public or even to this Commission. We never see that and that is the reason he would really like to see what the process is.

His concern is that it goes out for public comment, the Commission, the Land Board, and they put certain things in there that is approved coming from the Department then it can be changed. No one really knows what the changes are. He does not know if there have been any changes in easements so far. Maybe not. If there has been possibly any maybe they are minor changes. That is fine but, when he reads this he is happy to see this as things can get pigeon holed. Major changes could take place to some of these easements that were not intended. He will vote for this one today. If he is not able to find out what the process is moving forward, he won't be voting for any more of these in the future until he knows what the process is.

Director Williams stated that she is asking to have the amendment policy printed right now. She will have copies for the Commission this morning. There is an amendment policy and when she was teaching at the law school, part of the clinic process was to review our amendment policy. We wanted to make sure that it adhered to the national standards. We have a written amendment policy that sets out step by step the process we go through, the committee that reviews it, and the criteria they have.

Mr. McDonald stated the Commission directed him to page 41. That prior notice and approval is talking about items that are already in the easement that says we need to have prior notice before you do something. For example, timber management. We wouldn't say you couldn't do it. We would just want prior notice and would want to review the plan for it. There are several of those kinds of things such as pesticides and other application requirements like pipelines. Those types of things require prior approvals. We are not saying they could not do them. We just want to know when things are going to be done regarding the easement so that we can visit about it.

Changing the easement does have a whole process that is laid out.
Vice Chairman Stuker stated that is what he is asking for.

Commissioner Aldrich stated that he just looked at another easement and it seems the language said that if we didn't respond in 30-60 days it was approved.

Chairman Vermillion stated that was not a modification of the easement it is an activity envisioned by the easement that requires approval from the Department.

Mr. McDonald added that it was to give the landowner some assurances. We are not going to wait five years before we respond.

Vice Chairman Stuker stated that getting back to what Commissioner Aldrich and he had both said was that there are concerns about this, he would rather have longer period than 30-60 days. It then would go to another body if the Department has not approved or denied it, rather than just saying it's approved. Depending on what they are asking for, it could have a major effect on that piece of property. He is certain the Department is cautious about that but, accidents do happen. Things can get set aside and forgotten. He is concerned about that.

Chairman Vermillion wanted to know about the 400 minimum hunter days per year in perpetuity. He assumes that is in the easement.

Mr. McDonald answered that would be in the easement.

Chairman Vermillion stated that if the easement is approved, what we are talking about is improved hunting access, hiking, and other recreational access that people may want. The Montana public will get the 400 days forever.

Mr. McDonald answered that would be correct.

Director Williams asked if this was a split estate here and did we address the minerals in this easement? Has due diligence happened?

Chairman Vermillion stated that it has happened. There was a remoteness test that determined that there is no likelihood of mineral development in the future.

Mr. McDonald stated that the EA talks about several dry holes that he assumes people have explored for oil and gas and came up dry.

Vice Chairman Stuker advised that there is a section that talks about what Chairman Vermillion said. This does not affect the owners of the minerals. they can come in and do exploration for oil and gas. It does eliminate coal and those types of things from strip mining which be part of the landowner's rights.

Chairman Vermillion wanted to commend Region 7 for bringing in some great projects that last couple of years. Some are more controversial than others. This is a good example of how hard the Department works with landowners in southeastern Montana. So, thank you.

Commissioner Colton agreed and echoed that.

Public comment.

Region 3- Helena

Nick Gevock, Montana Wildlife Federation, stated that he wanted to thank landowners like Mrs. Ponessa for working with the Department and being great partners for stewarding our wildlife that is on their property. It is no secret about how controversial easements have become. He hopes this one can get through because there are a lot of great projects in the works. There is a tremendous amount of work that goes into planning these. These things cost money for appraisals, attorney fees, and all kinds of things. We are thankful for landowners like this and hopefully one of more projects that we will get done soon. We strongly support this.

Steve Platt, Montana Backcountry Hunters and Anglers, stated that they are very supportive of this project as well as projects of this type that protect habitat and allow public access to private land. We support this and salute the landowner for working with FWP. Thank you.

Commissioner Colton wanted add that if you are a hunter, you support these types of easements. Its unquestionable unless you want to maintain hunting in Montana. We need partners like Mrs. Ponessa and her family. We need to support these easements. It is imperative if we want to continue to have hunting opportunities.

Chairman Vermillion echoes Commissioner Colton's comments. It's sad to see the controversy that has risen over the easements as of late. If you look across the state of Montana whether it is the Land Alliance or DNRC or any of those departments, land trust, and the public who are coming up with these projects. It keeps landowners on the ground and protects the habitat on a consensual basis. The landowners work with the Department to come to an agreement. It is a very consensus approach to land management. In 150 years, there will be people thankful for the opportunities. This is an important piece that keeps Montana as special as it is. We have the open spaces that ranchers, farmers, hunters, and fishers can enjoy the landscape. This shows commitment to the hunting and fishing communities. We have commitment to the landowners and

it is stunning that there is significant opposition to conservation easements that open so much land to the public. This was a great project and he is very thankful to everyone that was involved.

Vice Chairman Stuker echoed Chairman Vermillion comments and added that it is the landowners that make the decision as to whether they want an easement on their property. We need to respect that especially when they work with the Department. Moving forward, he hopes the political aspects can be taken out of the decision as it moves up the ladder. Thank you.

Motion passes 5-0.

18. White Deer Meadows Conservation Easement (R3)

The Fish and Wildlife Commission endorsed the "Millage Conservation Easement" in October 2016, which has been renamed White Deer Meadows Conservation Easement due to a change in ownership. The property involves approximately 405 acres of private land north of Bozeman in the Bridger Mountain foothills. This proposed conservation easement would serve to maintain critical mule deer winter range (the historic Northwest Slope of the Bridger Mountains deer herd) and important habitat for elk, white-tailed deer, black bears, mountain lions, upland birds, and a variety of nongame wildlife. The property is a mosaic of deciduous shrub land, sagebrush steppe, conifer-dominated forest, montane native grassland, and riparian areas (~240 acres) with ~160 acres of agricultural fields. The property is bordered by U.S. Forest Service land to the east, a private ranch with an FWP easement to the south, and a private ranch with a Gallatin Valley Land Trust easement to the north. The proposed easement would unify three parcels into one and would restrict development to a 10-acre building envelope. The proposed easement would protect native upland and riparian habitats and would include a requirement to follow FWP's grazing standards. The proposed easement would secure access for up to three hunting parties per day during general hunting seasons (approximately 170 hunter-days per year) to portions of this private land as well as difficult-to-reach adjacent public lands. The conservation easement has been appraised and valued at \$1,862,000. The landowner intends to donate \$100,000 of value, reducing FWP's cost to \$1,762,000.

A draft environmental assessment was distributed to the public August 29, 2018, for a 30-day comment period. Legal notices were sent to local media, posted on the FWP webpage, and sent via e-mail by the area wildlife biologist to a diverse list of approximately 150 interested parties. A public meeting was held September 11, 2018. Public comment included five comments in favor of FWP purchasing the easement for wildlife habitat, hunter access, and to prevent development on the land. One commenter was opposed due to the cost of the easement and given current zoning regulations.

FWP recommends the commission approve purchase of this conservation easement. This easement would improve and maintain valuable habitat for the benefit of wildlife and the public.

Ken McDonald, Wildlife Administrator, stated that the Millage Conservation Easement in October 2016, which has been renamed White Deer Meadows Conservation Easement due to a change in ownership. The property involves approximately 405 acres of private land north of Bozeman in the Bridger Mountain foothills. This is critical mule deer habitat and supports 200-400 deer. It also supports other wildlife. It is 405-acres that is split into three separate parcels. We will unify these into one single project. The project borders Forest Service land to the east. The north end is private property that is an easement. To the south is an easement with the Gallatin County Land Trust. It blocks up a larger parcel of public and private property for the benefit for wildlife in particular.

The easement would prohibit any kind of subdivision and allow development on a 10-acre footprint where there is already some development. It would maintain the habitat in the proportions that it is now. It is primarily a grass and shrub habitat with some conifer forest. There is 160-acres of agricultural fields that are part of this. The project would include public access. This would allow three hunting parties per day throughout the general hunting season. That would be 170 hunter days per year. The cost of the easement is expensive as this was deemed prime real estate for development. The conservation easement has been appraised and valued at \$1,862,000. The landowner intends to donate \$100,000 of value, reducing FWP's cost to \$1,762,000. The cost would come from Habitat Montana.

The project went out for public comment. We received six comments. Five comments were in support and one opposed based on the cost. It was also brought up that land was zoned right now to maintain open space and didn't think we needed to do this. Our reply to that was the easement would ensure that it was maintained as open space into perpetuity. We ask that the Commission give a final approval. Thank you.

Motion: Vice Chairman Stuker moved and Commissioner Aldrich seconded the commission approve the purchase of the White Deer Meadows Conservation Easement.

Commissioner Aldrich stated that having spent 14 years in the Bozeman area and having hunted the Bridger Mountains, he has seen how quickly that country has been developed. He sees habitat changing into something other than habitat. He thought the sticker price on the easement was high. He agreed with Mr. McDonald that the tendency there is to build subdivisions and ranchettes. It is an excellent buy.

Public comment.

Region 3-Helena

Nick Gevock, Montana Wildlife Federation, stated that they support this. He wanted to point out that if you look at the Horse Creek easement, it is ten times the cost. He echoes Commissioner Aldrich's comments as he also lived in Bozeman in the early 2000s. This speaks to the need to let appraisers do their job. This is a good project. The Bridger's are good mule deer habitat. The deer have seen a lot of pressure from Development. It takes a lot of money to conserve land. He feels this project is worth it. Thank you.

Montana Big Horn Sheep supports this and feels it is appropriate. Given the growing pace of Bozeman it seems like a small area with an expensive price tag. He thinks it will be well worth it. Mule deer need all the help they can get these days. Thank you.

Chairman Vermillion asked Mr. McDonald to clarify the hunter days. How does the Department propose to manage the three hunting parties per day?

Mr. McDonald stated that it would be through permission of landowner.

Chairman Vermillion asked if the landowner was prepared to be overwhelmed with hunters from Bozeman.

Chris Howard, Bozeman Regional Office, stated that was correct. It would be landowner permission. It would be similar to a block management. It would not be categorized as block management.

Chairman Vermillion asked if the appraisal process could be described for this easement.

Mr. McDonald stated that they look at fee value of comparable sale. They also look at the rights that we are purchasing. The big one here is subdivision rights. They look at what the property is worth with unlimited

rights verses restricted rights. Subdivision rights and public access rights can be costly. The cost of the property can rise quite a bit with restrictions. They compare with an easement on it and without and easement and then subtract the cost. The cost of that access against not having it is quite a bit. They take into account the value with the easement verses without. They show what the difference is and what it would cost.

Chairman Vermillion wanted to clarify that this for three hunting parties per day for perpetuity, per hunting season forever. Correct?

Mr. McDonald stated that was correct.

Chairman Vermillion stated that when Bozeman reaches a million people, it will still be in place.

Mr. McDonald stated that was correct. It is a small piece that probably wouldn't have much value other than the fact it is blocked up against other surrounding easements and the Forest Service lands. It becomes more of a large-scale value to us. That is what helped it move forward in our internal review.

Vice Chairman Stuker asked if the hunting parties size determined by the landowner?

Mr. Howard stated that it was a party of three per day with a minimum of a 170 hunter days total per year. Thank you.

Commissioner Colton stated that he commends the Department and how this measures up against public land. We are always under fire for not adequately harvesting elk. This is a mule deer area but, elk are everywhere. It's allowing us to utilize the tools we have and to manage populations when we are being scrutinized for not doing that. It was a thoughtful purchase. It has a strategic purpose and it checks all the boxes.

Chairman Vermillion Agreed. Kudos to Region 3 for getting this done. We need to get this done as there are some seriously deep pockets out there competing for the land. Thank you to the landowner for being willing to work with us on this.

Vice Chairman Stuker wanted to thank Director Williams for getting the information he requested earlier on the easement amendments. He would like to see this added to the November work session. He has questions as he read through it. He would like this on the November work session. Thank you.

Motion passes 5-0.

19. Canyon Creek WMA Carton and Palmquist Additions (R3)

FWP is seeking commission approval to acquire two additions to the Canyon Creek WMA: 1) the Carton addition would add approximately 229 acres of important wildlife habitat to the WMA (+/- 59-acres between the Mill Creek Unit and Hwy 279 and +/- 170 acres 1.25 miles south of the WMA, total appraised value of \$470,000); and 2) the Palmquist addition would add approximately 6 acres between the Mill Creek Unit and the highway (appraised value of \$7,857/acre, actual acreage to be surveyed). The primary goal of both projects is to ensure the ecological integrity of the WMA while conserving wildlife habitats that extend beyond the bounds of the WMA. Two of the three parcels under consideration would establish a new WMA boundary against the Lincoln Road (Highway 279), avoiding potential development that could otherwise directly impact the WMA's habitat and recreation values. These parcels, like the existing Canyon Creek WMA, would provide hunting opportunity for mule deer and elk; winter range for mule deer and

moose; and spring, summer and fall range for all three of these big game species. In addition, the entire suite of carnivores, grizzly and black bear, wolves, Canada lynx, wolverine, bobcat, etc., use the area. Acquisition would further protect a stream corridor while also providing increased angler access, providing additional fishing opportunity for brook trout and rainbow trout in Canyon Creek.

The properties are located within the focus area of the Montana Fish and Wildlife Conservation Trust, which applies funds – originally derived from the sale of Canyon Ferry cabin-site leases – to land conservation and public access, with an emphasis on projects in the upper Missouri River drainage. MFWCT would be the primary funding source for the projects.

FWP completed a 30-day public comment period on the draft EAs. A public hearing was held on September 20. Two individuals who commented during the hearing also provided written comments. A total of nine individuals and organizations indicated support for FWP to acquire the Cartan parcels. One individual registered opposition to FWP acquiring the 178-acre Cartan parcel. A total of eight individuals and organizations indicated support for FWP to acquire the Palmquist property; no opposition was expressed for this acquisition.

FWP recommends the commission approve acquisition of the Cartan and Palmquist additions to the Canyon Creek WMA, to conserve valuable wildlife habitat and public recreational opportunities on the subject parcels and on the adjacent WMA.

Ken McDonald, Wildlife Administrator, stated that FWP is seeking final approval to acquire two additions to the Canyon Creek WMA: 1) the Cartan addition would add approximately 229 acres of important wildlife habitat to the WMA (+/- 59-acres between the Mill Creek Unit and Hwy 279 and +/- 170 acres 1.25 miles south of the WMA, total appraised value of \$470,000); and 2) the Palmquist addition would add approximately 6 acres between the Mill Creek Unit and the highway (appraised value of \$7,857/acre, actual acreage to be surveyed).

The primary goal of both projects is to ensure the ecological integrity of the WMA while conserving wildlife habitats that extend beyond the bounds of the WMA. Please bear in mind that the EA was written that the survey had not happened yet. The correct numbers are 59-acre and 170-acre parcel. There is another triangular piece that is up to six acres, possibly four and a half acres that still needs to get the final survey. This will conjoin and block up the WMA. This will be a 235-acre total addition to the WMA.

The primary emphasis on this project is the two additions that will block up the WMA between the existing WMA which is Lincoln Road. In order to secure the 59-acre piece, the owner was selling both as a single parcel. We think this will be a good addition to the WMA. This project is to add to the existing WMA that is primarily forested shrub like habitat. The primary emphasis is elk management. This parcel is near the continental divide and gets use from lynx and grizzly bear as a migratory corridor. The total price tag is about \$470,000 for both parcels and \$7,800 for the Palmquist piece. We proposed this to the Canyon Ferry Trust or official name of Fish and Wildlife Trust. They have some money that was obtained from the sale of properties around Canyon Ferry and are really interested in this. They still have to go through their process for this. They have indicated support for full funding of this. If this goes through, then the funding would go through this trust. If there is a funding shortage, then the remaining funds needed would come from Habitat Montana. We will use Habitat Montana to help with surveys and other due diligence. There were ten public comments received. Nine comments were supportive and one comment that did not support the 170-acre price primarily of concerns of neighboring landowners. We did have good support for this and it does help block up the WMA. We recommend that the Commission approve this as a package.

Motion: Commissioner Brower moved and Commissioner Aldrich seconded the commission approve acquisition of the Cartan and Palmquist additions to Canyon Creek WMA.

Public comment.

Region 3- Helena

Nick Gevock, Montana Wildlife Federation, stated that we are again purchasing and preserving habitat. This will be a great addition and we strongly support this.

Rod Bullist, Board Member, Helena Hunters and Anglers, stated that this is a good thing. He drives by this place often and what Mr. McDonald has described is the right thing to do. Where the money is coming from is a great source. He feels that Jenny Sika should be given a lot of credit as she works hard and directly with the community.

He asked if he could make a suggestion with permission from Chairman Vermillion and Director Williams about the naming of the parcel of land. He would like to suggest that it be changed. When the Hunter and Anglers met this month, they voted to recommend for your consideration to rename Canyon Creek WMA in honor of Dr. Bob Ray, former Commissioner. We thought of Canyon Creek for this. He understands that there may be new ones coming up. The key to us is in naming this after Dr. Ray is to hopefully implement a former resolution to Dr. Bob Ray that whereas the citizens of Montana have lost a true statesman. Every sentence that you so wonderfully wrote could apply to naming something on the landscape for Dr. Ray. With Director Williams and Chairman Vermillion, and with the help of Quentin Kujala, we have found the policy that the Commission adopted in 1970. He believes the name change would be appropriate with item 3.

We are citizens recommending to you and not through the Department. We ask if you would consider naming this piece of land after Dr. Ray with permission from his family. Thank you.

Chairman Vermillion stated that now that we have this the Department could give a road map for how we would go about this. If we decide to do this with Canyon Creek or a future addition. When Dr. Ray did pass, this was something that we had talked about for a very long time. This something that we would like to honor him and the service to Montana. If we could formalize that process and start it that would be great.

Back Country Hunters and Anglers strongly supports this and the naming of a WMA after Dr. Ray. This is a great project and we appreciate Jenny Sika's work here. There have been other additions to the Canyon Creek WMA in the past that have made a big difference.

Commissioner Colton stated that he wanted to thank the Canyon Ferry Trust and Senator Baucus that created the trust. This took place back in the 1990s and you can see the benefit that has been given to the public using that money. We thank Canyon Ferry Trust board for partnering with us.

Motion passes 5-0.

20. Dome Mountain Wildlife Management Area Addition

FWP proposes to acquire a private, 161-acre inholding within an expanse of public land including the Dome Mountain Wildlife Management Area and adjacent Custer-Gallatin National Forest. The department further proposes as part of this final action to assign the conservation easement on this inholding, currently held by FWP, to the Rocky Mountain Elk Foundation. Acquiring this inholding, that

also includes a year-round road-access easement across the WMA, is critical to maintaining the functional integrity of the WMA and surrounding public lands near the divide between Paradise Valley and Gardiner Basin. The property lies within important bull elk winter range and is adjacent to an important migratory corridor for elk. The area is important for connectivity between winter and summer ranges for the migratory northern Yellowstone elk herd, as well as population connectivity and dispersal corridors for many species of wildlife including grizzly bears. This parcel is a small but important addition to the WMA and to an expanse of native habitat that provides wildlife and recreational connectivity between Yellowstone Park and areas to the north in Montana. The parcel was purchased by The Conservation Fund, subject to an option agreement, to help FWP bridge this acquisition. The value of the inholding was appraised at \$1.37 million. TCF intends to sell the parcel to FWP as a bargain sale for \$550,775.

FWP released a draft environmental assessment seeking public review of the proposed acquisition on May 5, 2018; it was available for public comment for 30 days. A legal notice of the proposal and availability of the draft EA was published in two newspapers, and notification of the EA's availability was emailed to a Livingston area distribution list of over 100 interested persons held by the Livingston biologist. FWP received a total of 14 comments, including 10 from private individuals and four from organizations. One individual submitted a comment in opposition to the proposed acquisition; all others were in support.

FWP recommends the commission approve the purchase of this addition to the Dome Mountain WMA and the transfer of the conservation easement on this inholding to the Rocky Mountain Elk Foundation. The parcel would be a strategic addition to the WMA, helping retain the area's high resource and recreational values. FWP recommends transferring the conservation easement to avoid administering a conservation easement on land the department would own in fee title.

Ken McDonald, Wildlife Administrator, stated that this was an inholding within the Dome Mountain WMA. The road easement went right through the WMA. In the past, the Elk Foundation had worked on this project and in the negotiation, there was an easement put on it that was transferred to FWP. This also has a right of first refusal to purchase it. Someone in their wisdom thought to included what the cost would be which was a percent of fee based on the estimated devaluation of the easement at the time. The landowner decided that they were going to sell this and gave us the right of first refusal. We were unable to get through most of our process in the short amount of time that we had. The Conservation Fund came in and we transferred that right to them. They purchased it and have been holding it for us until we could complete the process.

This is 160-acre inholding that will help maintain the integrity of the whole wildlife management area. The animals that use this is the primary focus of this. The estimated value of this compared to today's values appraisal was about 1.73 million. Because of that right of first refusal, the cost was significantly less. The conservation fund will sell it back to us for significantly less. The cost will be \$550,775. Another thing the Conservation Fund did was the cleanup of the land. It was a big mess. They are handing it over to us in really good Shape. We ask that you approve of us purchasing this from the Conservation Fund using Habitat Montana money. It would then become part of the WMA. We want to thank the Conservation Fund and Gary Sullivan helped broker this.

Motion: Chairman Vermillion moved and Commissioner Brower seconded the commission approve the purchase of this addition to the Dome Mountain WMA and the transfer of the conservation easement on this inholding to the Rocky Mountain Elk Foundation.

Chairman Vermillion stated that it is interesting that when this easement was put into place back in the 1980s, that anyone would have thought that 160-acres on top of the WMA would be worth 1.73 million. Anyone who spends time in that part of the state realizes that this land is getting snapped up so quickly. Kudos to the department and the person who drafted this up so many year ago. Whoever put together this

right of first refusal did a great job. Thank you very much to the Conservation Fund for once again working with the Department to let us go through the process and the due diligence that we have to go through according to the statutes.

A district ranger, Alex Sienkiewicz, in Livingston that brought to his attention. Mr. Sienkiewicz had this in his file and new that this day would probably come. He made sure that when things started happening we knew about it. His participation and work with the Department is very much appreciated. Thank you to everyone that was involved and a great opportunity for everyone.

Mr. McDonald also wanted to give thanks to the Rocky Mountain Elk Foundation for their help. They are the origin of all this. They will take the easement back from us and manage it so we can purchase the land.

Public Comment.

Region 3-Helena

Nick, Gevock, Montana Wildlife Federation, stated that this does speak to the need to purchase when we have the small inholdings and the need to consolidate them. This is a great project and hopefully continuing with the potential of the Dome Mountain Project. Thank you.

Chairman Vermilion state that there are a lot interesting things happening there right now.

No Commission comment.

Motion passes 5-0

21. Brucellosis 2019 Annual Work Plan

In January 2013, the commission endorsed elk management recommendations from a citizen working group for use in areas with brucellosis (the Designated Surveillance Area as described by the Montana Department of Livestock). Annual work plans describe specific management actions based upon these recommendations. The proposed 2019 annual work plan largely restates the 2018 plan to include hazing, limited fencing, limited lethal removal of elk, habitat modifications, and other efforts to adjust elk distribution away from cattle at small scales to mitigate the risk of brucellosis transmission from elk to cattle. The proposed 2019 plan also expands the landownership and dates describing where and when elk may be lethally removed to influence elk distribution away from cattle. The number of elk that may be taken is not proposed to be changed.

In response to public comment, the language describing where these actions are available for implementation is proposed to be modified to address potential circumstances where brucellosis in elk is confirmed outside a DSA.

The public comment opportunity for the proposed annual work plan ran from the August 9 commission meeting through 5 p.m. Monday, September 17. Two public comments were received and will be forwarded to the commission.

FWP recommends adoption of the proposed 2019 annual work plan that largely restates earlier plans and includes expanded landownership and dates describing where and when elk may be lethally removed to influence elk distribution away from cattle. The number of elk that may be taken is not proposed to be changed.

In response to public comment, the language describing where these actions are available for implementation is proposed to be modified to address potential circumstances where brucellosis in elk is confirmed outside a DSA. The proposal may be adopted as presented or with adjustment per FWP justifications, public comment, and commission discussion.

Quentin Kujala, Project Facilitator, Wildlife Division, stated that this is for the 2019 Annual Work plan for Brucellosis Plan. You have seen this before. This is the seventh rendition of an implementation plan with a citizen work group. This was based around a question of what do we do in the context of elk brucellosis and the risk to cattle. The objective was to find ways to minimize the spread of the disease and do in way that is acceptable to the public in a cost-effective way. This is about what the plan before today does and a change from the plan that was sent forth to public comment. The change essentially rewords and expands the flexibility of where the management actions can happen. The previous plan that was moved to public comment tied the management actions to within the Designation Surveillance Area (DSA); the perimeter that was administered by the Department of Livestock or in its immediate proximity of the boundary of the DSA.

The new proposed language speaks to anywhere there is confirmed brucellosis exposed elk. The flexibility comes to us from our partner the Department of Livestock for any number of circumstances where we could find the elk in the DSA would be behind the discovery time. There are also reasons for the criteria that the Department of Livestock uses proposing a DSA expansion or not. For those reasons, we recognize that there could be circumstances out there where there are confirmed brucellosis elk. The DSA is not there yet. The Department of Livestock is not there yet. There was an interest to put into place a management action for the reduction of transmission from elk to cattle and to put this on board quickly.

This is the only change from what was put out for public comment and additional public comment from the Department of Livestock. Laurel Rod and Gun Club and the Commission have been a constant voice in this. From the beginning, go thoughtfully, go slow, and this is to be kept in a reasonable context for elk management. We don't want it to bend to far from the livestock side of things. The intent here is not to irradiate elk, cattle or brucellosis but, to minimize the transmission between cattle and elk. It does that by pursuing the separating of elk from cattle. Are there any questions?

Motion: Chairman Vermillion moved and Vice Chairman Stuker seconded to approve as final the 2019 annual work plan for elk management in areas with brucellosis as proposed by FWP.

Public comment.

Region 3-Helena

Jay Bodner, Montana Stock Growers Association, stated that he appreciates the Department continuing with this work group. He thinks that they are a valued partner in looking at this issue. Brucellosis is a very important issue that impacts the entire state of Montana and certainly wildlife as well as cattle. We have looked at the plan. It has not changed considerably. We do support the recommended changes that have been identified in the plan as it exists today. We do support the ongoing efforts to continue to look at the separation opportunity between elk and livestock. We support keeping this on the forefront and do what we can to minimize any impact. Thank you.

Nick Gevock, Montana Wildlife Federation, stated that this issue will never go away. If you saw the Department of Livestock's recent expansion of DSA and he echoes the comments made by Laurel Rod and Gun Club. He commends the Department for using these tools as sparingly as possible. He thinks FWP has built a lot of trust with the livestock and sportsman industry. We see the serious threat that this poses to

our livestock industry. Let's just keep using this as sparingly as possible. Hopefully we continue discussions not only about minimizing the risk but, the potential risk of contact by breaking up the big herds of elk. It seems like a reasonable change. The Department deserves a lot of credit for how it is implemented. Thank you.

Commissioner Aldrich stated that he attended the first review and it was not friendly. It was not fun. There were a lot of people that had suspicions and so forth. It finally mellowed to credit of all the players. It is a success at this point in his mind.

Chairman Vermillion agreed with Commissioner Aldrich. He thinks that is really important to thank the citizens that have been working on the brucellosis plan. Everything that we do to manage to keep a balance between sportsman, landowners, fish, and wildlife. The brucellosis discussion has been a hard discussion for a lot of people. When we first passed this plan several years ago, it was a four or five-hour conversation. He was amazed that when he read through the cover sheet that there were two comments. One was from the Department of Livestock. This tells me that the Department when it communicated to the sportsmen we would not act unreasonably and we would act responsibly. They put their faith in us. He feels like we have lived up to that. We will continue to live up to that.

It also honors the landowners who have a significant concern. It's an understandable concern. If you are in the Paradise Valley and you're a small producer or any producer and one of your cows gets a positive hit, then you cannot sell and it is quarantined for 18 months. That is a big deal. No one should underestimate the impact that would have on a family owned operation. He thinks that this is an appropriate balance. He really commends the Department, the producers, and the sportsmen for working on a contentious issue. They have also kept on the path of cooperation as we address and try to deal with this disease that is prevalent on the landscape. Right now, it is critical to maintain the temporal and special separation. This is critical in minimizing transmission.

It wasn't long ago that we had our first case of CWD. This Commission sent out a letter specially to the Department of Fish and Game in Wyoming asking them to discontinue the practice of the feed grounds. That has not changed. It probably won't change. The issue of brucellosis and CWD feed grounds are all consistent with a problematic concentration of wildlife in a small place. Those feed grounds are a glaring example of that sort of management that will create a lot of challenges for landowners and sportsmen of Montana. We will keep on working on that as well. He thinks the Department deserves a lot of credit for working through this process with the landowners and sportsmen. Both of them are continuing to participate in good faith on the brucellosis working group.

We are moving in the right direction. We haven't solved the problem yet but are moving in the right direction.

Commissioner Colton added that it would be remised if we didn't thank you Chairman Vermillion for your involvement in the valley. You worked with everybody on this contentious issue. You took a lot of heat from both sides. You walked the line very well on this. A lot of this can be tied directly to you. He knows that Chairman Vermillion does not like to take credit for it. Without your efforts, we would not be in this place. Thank you for all that you do.

Chairman Vermillion gave thanks for the compliment.

Vice Chairman Stuker agreed with Commissioner Colton. Chairman Vermillion did do a lot of work on this and brought the parties together. It has been working for the Department. Thank you, Chairman Vermillion.

Chairman Vermillion thanked Vice Chairman Stuker for the compliment.

Motion passes 5-0.

22. Mountain Lion Management Strategy

Montana Fish, Wildlife & Parks is committed to maintaining sustainable lion populations in all suitable habitats of our state. Over the last 25 years, FWP has made significant investments in field research that helps inform our lion management. With this and research done in other states and provinces, we propose to use the latest science and state-of-the-art methods and tools to monitor Montana's lion populations. Keeping in mind our goal to maintain sustainable populations, FWP has completed a draft Montana Mountain Lion Management Strategy as an important component of lion management. A copy of the draft strategy has been provided to the Commission.

Because we know lion populations function in big landscapes, our approach includes defining four Lion Ecoregions in Montana, large landscapes of similar habitat within which populations perform similarly. FWP will periodically develop estimates of mountain lion numbers within the northwest, west-central and southwest ecoregions using a genetically based field sampling method known as Spatial Capture-Recapture, or SCR. This is a relatively new but well-proven method for estimating populations. Using these population estimates plus our understanding of lion ecology and lion harvest data, managers will employ a sophisticated statistical model known as an Integrated Population Model, or IPM, that integrates all the information to predict the effects of lion harvest on populations. Over time, this monitoring program will reduce uncertainty about the effects of lion harvest and improve FWP's ability to meet management objectives.

Determining those management objectives is the next and separate step in our process. Regardless of whether the strategy, or a modified form of it, is adopted, how many lions Montanans want on the landscape and where are important questions for future lion management. Do Montanans want more, fewer, or about the same number of lions that we have now? FWP will reach out to anyone with an interest in lion management – hunters, houndsmen, wildlife viewers, livestock producers, and others – through various venues to include public meetings, social media, etc. As stated in the strategy, "FWP and the public will collectively evaluate an ecoregion's monitoring data, develop objectives, and decide on an overall management harvest prescription for the ecoregion. Managers will then recommend individual lion management unit harvests that implement the prescription, distribute hunter effort, and address local concerns."

Jay Kolbe, the FWP biologist who wrote the strategy, has been presenting concepts and information to sportsmen's groups, CACs, houndsmen, and others while developing the strategy. Presented here is a draft strategy that puts it all in one place. The public comment period will be open from this meeting until 5 p.m. on Friday, January 11, 2019, with final Commission action in February 2019.

The alternative to implementing this conservation strategy is to have no contemporary strategy. This would result in less clear priorities and more difficult communications and outreach on mountain lion conservation. FWP recommends the Commission endorse the Mountain Lion Management Strategy for public comment.

John Vore, Game Management Bureau Chief, Wildlife Division, stated that it has been a couple of years that they have been working on the Draft Mountain Lion Strategy. We have put together what we think is a wonderful document. This really outlines the best way to manage and monitor populations of mountain lions in Montana. This is groundbreaking state of the art work that we would be relying on. Over the years, our research in Montana and in other western states and provinces have shown that mountain lions work on

a large landscape. This is much larger than the mountain lion units that we are currently using. One of the major things that his draft strategy addresses is managing lions at an ecosystem level. They are called lion ecoregions and Jay Kolbe will tell us more about that. He introduced Mr. Kolbe so that he could present the strategy.

Jay Kolbe, Wildlife Biologist, Wildlife Division, stated that he was excited to present this to everyone. He would like to spend 30-45 minutes at the most explaining this. The document is detailed and cutting edge. The application of science was developed here and in other western states. We are hoping to put that package together as a useful tool for managers and helps move us forward in lion management. It was important to talk to staff, the public and other folks about early stages of developing this project. We were clear up front about what our conservation and management guidelines would direct all subsequent management decisions. These are commitment by the Department certain principles of lion management. We outline those in the strategy that you have in a more detailed way.

FWP is committed to actively conserving lions across all Montana habitats. We are committed to the conservation first and foremost. We have a commitment to enhance public appreciation of lions through our education and outreach work. We have a statutory obligation to actively respond to and reduce lion-human contacts. We take that responsibility very seriously. With this plan, we intend to manage by limited sustainable allocated hunter harvest opportunity. This plan at its base hopes to implement a credible science based system for us to monitor lion populations. We have not had that in the past. We've managed lions by dead reckoning. It's been one of the most controversial species to manage in his experience. Hopefully, the tools offered in this plan will help get passed that. We will consider monitor and conserve lions on all landscapes scale going to Mr. Vore's point.

All the science developed in the last 20-30 years tells us that the scale of lion management needs to be greater than it was in the past to be effective and assure species conservation. We are going to use lion management populations at harvest with transparent science based adaptive harvest management process. We talk about adaptive harvest management when dealing with other species. That in a lot of ways is a partial theory. We are pulling all of the tools necessary to fully implement an adaptive management process. In short, this management strategy represents FWP's long term commitment to use the best scientific information that mountain lion decisions are transparent and adaptive as possible. It's important to note that this strategy does not identify specific harvest objectives or population objectives. It's our thought that we describe a process to develop the objectives and meeting them over time. This would be so that this document, this approach can live, adapt, and change even as those objectives have changed. It endeavors to use the best data collection and analysis methods to form an adaptive management plan. With this process, the public can use the information to measure if and how those objectives are being met as well as adjust as needed.

A little bit of history familiar to most, recent research conducted by FWP and others has shown us that Montana likely contains some of the most productive mountain lion habitat in the western United States. Despite that, after long term persecution and depredation of ungulate prey, in 1930 lions were largely extirpated from the state. They were designated as a big game species in 1971. Since then lions have a significant recovery. They now occupy all their appropriate historic habitat. They have been harvested in 49 of 56 Montana counties. The large growth in eastern Montana is impressive. Montana dispersing individuals (those we have caught) collared for studies have shown up in other Midwestern states. We are exporting lions now even from eastern Montana.

Chairman Vermillion asked if there are other states where they are going back to their original range.

Mr. Kolbe stated that they are seeing an interesting eastward expansion into the Dakotas and the Midwest. Also important, we have gotten a question in our email about isolated populations within the state being genetically well connected to sustain themselves. We outline some good research done by other Montana researchers that genetically the lions are connected throughout the western states. Our managers have done

as best as they could to match past harvesting levels with past population levels. Without an accurate method to count and monitor populations, economically we are at a meaningful scale. Management was often reactive or over reactive and often very controversial. We just didn't have the data whether the population was up or down. The Commission adjusted management based on those inputs but, without any similar data that we use to manage other species.

Montanans care deeply about lions and their prey. They often disagree about the effects of lion harvest. Beginning in the 1970s, Montana was one of the leaders in mountain lion research and invested heavily in mountain lion models. This work along with research conducted in other western states and provinces has vastly improved our understanding of mountain lions and hunter harvest. That is just a partial list of research projects that have been done in our state. This compliments work done in other western states and Canadian provinces. We know a lot about mountain lions and hope to apply that here. Some key findings that are relevant to the strategy we are proposing such as mountain lion ecologies and vital rates are remarkably consistent across the range. That consistency allows us to lean on a collection of research information in guiding our management.

Chairman Vermillion asked Mr. Kolbe to clarify what a vital rate was.

Mr. Kolbe advised that refers to survival, reproduction, whether it is age or sex specific. Lions are one of the most widely distributed predators and likely mammals from South America all the way to Alaska. Across that range, the ecology is remarkable. Reproduction per female and non-harvest mortality (not hunting) is important that there are background vital rates that we can measure in the field and apply to some of our modeling unless harvesting gets to a level that we are never going to apply here in this state. We can count on the background vital rates being consistent. Harvest can be additive to other forms of mortality. We need to take great care in prescribing harvest levels that are sustainable. It can often be the most important factor to affect a population growth.

Lion populations are particularly sensitive to adult female harvest. We can demonstrate the statistically and through field work. Lions readily disperse long distance and goes to the appropriate scale of management. Lion populations reduced by harvest can recover rapidly. Where they have done experimental treatments by reducing lion populations by 50-60 percent, those populations tend to recover within pretreatment level within three to five years. They can really come back as soon as you tap the brakes on harvest. One of the points to consider is that to be affective, lion management should occur at a large special scale.

We need to talk about conflict as that is an important part of any document like this. We have statutory direction that literally is state law which talks about people and property protection over sport hunting of mountain lions or other prey. The Commission first needs to consider the protection of people and property over the provision of sport hunting opportunity. The types and rates of conflicts by humans and mountain lions are affected by a number of things. The abundance, the location, presence of attractants, and individual lion behavior. There are mountain lions that adopt behaviors that make them more prone to conflict. FWP will respond to human-lion conflict in a matter that protects public safety, reduces property loss, and has public tolerance for mountain lions. The strategy described as types, rates, and livestock depredation are described as section of the plan that gets into the detail of all we know about conflict types and rates.

Importantly, this strategy includes a revised lion depredation set up and control guidelines. It is essentially a flow chart. If field staff encounters a conflict, it guides their decisions on what we agree is an appropriate response. We also include the guidelines about responding to any attacks that result in human injury or death. Thankfully, that is rarely needed. This has been updated and included in the plan. The monitoring part of the strategy uses three legs of a stool for the monitoring program. There is the development of resource selection function. There is a set of field monitoring methods that use this. There is also an iterated population model that is a predictive model that allows managers to make and test harvest prescriptions. It will help to make informed decisions on what those prescriptions will be based on for future lion populations. The first part of that is the resource selection function. You can display it as a map but it is a

statistical probability service. In this case, the redder the pixel the higher likelihood that a lion will be present and the likelihood of that being a high-quality habitat. In Montana, we had a degradation of habitat quality from northwest to southeast.

To develop this model, we used all the available Montana mountain lion telemetry locations collected from ten different research projects. We used over 22,000 relocation points. They are hard to see on the map but, the maroon blobs are where the studies took place and where we collected those points. We validated and essentially tested the model using over 10,000 harvest locations where the lions were killed or lions occur. This was a nice available data set that we could use to test how well the lab model predicted where the lions are. The original model developed by Hugh Robinson from the University of Montana and some of our research staff did well. It didn't do as well in southwest Montana or central Montana. In 2016 we revised the RSF model and changed a couple of the parameters. We cleaned up some of the input data and it improved the predictability of that model in the southern part of the state. It validates well across all seven FWP regions.

For the strategy RSF, we will be used to define distinct ecoregions and we will talk about that next. To identify appropriate trend model areas within those ecoregions we will need to go in and do the field work. The RSF will let FWP periodically go in estimate and monitor the abundance both within the trend areas and the subsequent look at a trend area. The RSF also allows us to extrapolate the information until we learn from the trend area sampling across the large ecoregion. We would then come up with an estimation of why the populations across the broader area which is the fundamental information we are going to need to make better recommendations to the Commission.

This is how we defined the ecoregions, the RSF values go from 0-10B. We took the average value of the RSF and the thousands of pixels within the lion management units across the state. We took the average. The averages tend to range from Libby .85 to the .3 range in eastern Montana. The habitat quality is relatively low. We are then able to use a pretty simple canorous neighbor analysis that allows us to aggregate with similar RSF values. We needed the ecoregions which these represent to be contiguous. The more similar habitat quality is within each of those regions gives us more power to extrapolate a trend area in that similar set of habitat.

We came up with four ecoregions. The green is the north west, blue is west central, orange is south west, and yellow is eastern Montana. It is important to realize that the ecoregions do not perfectly correspond with FWP administrative regions. If the strategy is adopted and used, it is going to require the staff across administrative boundaries to work together to develop common recommendations for the ecoregions. It will be a different way of doing business. We considered several factors. The ecoregions contain contiguous habitat quality. It is large enough for the management to be effective despite lion population meta data dynamics. That means that we can assume those are statistically closed. The effect of immigration and emigration into and out of the large ecoregions can be ignored statistically. They are well distributed and represent the large habitat of lion in the state. Importantly the total number of those ecoregions need to be limited so monitoring can occur more frequently enough to be useful. If we had eight or ten ecoregions around the state, we couldn't sample them as frequently enough for us to stay on top of any important changes in lion populations.

Things can be limited by money and manpower. Our thoughts were that this was the appropriate number that we could effectively manage and still provide meaningful data to field staff. This is an example of the northwest ecoregion. It's an example of scale that runs from the Canadian border down to Missoula and over to the Bob Marshall Wilderness. It is about 36,000 kilometers. Other research says that's large enough for us to assume that statistical closure. We have tested it. It has the highest resource selection value of any of the ecoregions and probably the best habitat in the state. We did identify the trend monitoring area within the ecoregion. That runs through the Thompson-Fisher watersheds which runs from Libby down south. The permanent trend is based on few criteria. The area needs to be about 2,500 square kilometers and that is the

size that Dr. Kelly Proffitt with FWP has identified as being appropriate in giving us the power to develop the kind of aspects that we want.

The habitat quality of the trend areas needs to be similar to the larger ecoregion. You don't want an anomalous area. There is current long term legal and physical access to this so we can go in and do the work and ensure we can do the work over time. The managers, the public, and the Commission need to be comfortable with applying management prescriptions for LMUs that make up the trend area that are similar to the ecoregions. We don't want to do something dramatically different in the trend area in larger ecoregion so that when we sample it, it will be representative. This is the west central ecoregion contains portions of regions 2, 3, and 4. That trend area is based around Lincoln and Elliston that is the same size. In the southwest the trend area is essentially the Gallatin Mountain Range. It is again the same criteria and size.

The eastern ecoregion is different. Lion habitat in the east is distributed in patches. Some of the best habitat is located on the reservations and we do not have management authority. It is our feeling that sampling like we do in the western regions wouldn't be as informative. It would be hard to extrapolate findings across that landscape. We also have fewer lions harvested in the eastern part of the state. There are other tools that eastern managers are comfortable with to manage harvest there. It doesn't preclude a different kind of sampling effort in eastern Montana as needed. As a long-term management program the tools wouldn't be as effective in eastern Montana. We are proposing to do the sampling in the western ecoregions.

What does field sampling look like? A lot of credit goes to Dr. Kelly Proffitt, her staff, and Justin Goody. They took a cutting-edge method called spatial capture recapture. It is being applied all over the world. It is the Vanguard of field sampling. It is a noninvasive nongenetic for all kinds of species. She took that methodology and built it for mountain lions in Montana. She successfully implemented that as you know as far back as 2011-2012 in the Bitterroot Mountains. She took it to the upper Clark Fork and used it there. She has worked with us to get it fine tuned for a monitoring process that we are really excited about applying. It allows us to systemically collect samples noninvasively in the field in a statistically rigorous way. The samples can identify individual mountain lions. When you combine genetic data, the where and when the samples were collected for analysis, the system will allow rigorous estimates about abundance within the trend areas. This can help with determining the populations throughout the ecoregions.

Mr. Kolbe advised that when he talks about abundance and when we do this, it refers to independent age which are harvestable. That is the denominator when we talk about lions. We can do two things, we can compare a trend area to a trend area five or six years apart to see if there were any changes to the areas. We can also develop the larger population area estimates to engage the successor or lack of success in the ecoregion. In the trend area of grid cells those are systematically searched for lion tracks. That effort is carefully recorded. If tracks are found they try to collect a genetic sample. This is done by gathering hair, scat or using hounds and a biopsy dart. With this method, the dart hits the lion falls out. The dart is retrieved without handling the lion.

Chairman Vermillion asked about whether the dart has a tranquilizer or not.

Mr. Kolbe stated that Dr. Proffitt did handle some of the lions as part of the earlier studies to put collars on. This was to track survival and movements that helped develop this method. The collar data for the routine information would likely not happen in the future as the darts would replace having to handle the lions. We do have tech efforts such as researchers on snow mobiles looking for lions. We look at the samples collected from harvested animals adjacent to the study area. It is important to document known fate of the lions. We continually gather and use all data from the lions. Even if it is data from other lions outside the study area, it is critical information to help with our research. What is hard about the data for people to understand is this data can account for all lions in an area. The previous estimates for abundance, historically we are talking about lions that were collared and stayed. They could be tracked over time with traditional radio collars. This method catches all lions subject to harvest. This method accounts for the 30 percent that is transient. With the gathering of data, we need to be able to test the predictions. We worked with Dr. Josh

Nowak and Paul Lucas at the University of Montana who are the nation's leaders in the developmental use of integrative population models to build one for Montana.

It is a tool that takes everything we know about lions including harvest. We use all the good information that we gather. The Garnet area mountain lion study really helped form this model that was an FWP effort. It combines it all into one predictive modeling package. Managers can then use the IPM to describe the effects of past management and make predictions about future population trends.

We thought it was important with the IPM that it is considered a tool. It's something that biologists and managers can use for the potential effects of harvest. This tool allows the user to input a variety of different types of data to predict potential outcomes. This will help with evaluations and monitoring. Are there any questions?

Chairman Vermillion stated it was mentioned about ungulates and lion populations. How does the model emulate how the ungulate goal is in an area? In northwestern Montana, we have struggled with elk and deer populations in certain parts of the state and which also has the best lion habitat. The public may want more deer and elk but, that is some of the best lion habitat. How does the model integrate those two objectives?

Mr. Kolbe stated the model wouldn't specifically consider prey. He did go to some effort to describe predator-prey relationships. We learned a lot about that in northwestern Montana through the work of Carolyn Sime and others. You could have an objective that had a prey response included. You need to be careful of that in a five-predator system. There is a lot of uncertainty in predator-prey relationships.

Commissioner Colton stated the adaptive management plan affecting the ways that we set our quotas. What are we going to be trending to? What will come to the Commission in terms of trying to set goals, the tool we are going to be using, and how we are going to be using that with the public?

Mr. Kolbe stated that hopefully the public has been involved all along. If they are not, then the model is not working. We hope the public has helped us shape the objectives and evaluate the alternatives that might best lead us to the objective. We are doing this transparently with the best data that we have available. What has occurred to him regarding the past is that we need to be more patient. Lion populations do not move that dramatically. In order for our prescriptions to be more useful, we attached objectives that gave the ability to monitor those. We may need to be more patient to see how we did. We know that we are relying on data that is a magnitude better than anything we have ever done. We are going to have to be more comfortable with the scale. The objectives will speak to the ecoregion regarding population to go up, down, or stay stable. It would help develop a prescription for the ecoregion and then it doesn't matter to much how that is allocated out.

Chairman Vermillion stated if the strategy is adopted, three years down the road when the Commission is to consider lion quotas and lion seasons for the next two years and so forth, how is this going to be presented? Will it be LMUs or lion region 1, a quota or break down subsets for quotas?

Mr. Kolbe advised that it would be both. When you talk about moving and nonmoving populations, it would come back to a large scale. The Commission would be presented with a proposal for the northwest ecoregion a certain number of males and a certain number of females. There is a broader sort of objective. A broader treatment of that objective. With working with the public, we need all of that to make sense to limit hunter crowding and direct harvest toward areas where the harvest is most needed. You are still likely to adopt LMU to LMU quotas and those relations will reflect the individual LMU quotas.

Chairman Vermillion stated that the harvest mode and structure would need to be figured in.

Mr. Kolbe stated the strategy would try to describe three season structures that would capture the statewide need to simplify the season structures that are currently on the books. We would try to narrow down the menu of season options that would satisfy the needs of the different regions. This is described in the plan.

Commissioner Colton asked how much of a departure if at all? He thinks that was just spoken about. Without having a proposal about it, it is hard for him to get his head around it. He is thinking about what they have now in the central part of the state. We have our quotas and subquotas. He understands that we have to be patient if our harvests as the data shows a particular area within an ecoregion is having a good take, then you wouldn't be as concerned about that because you would know that region is sustainable.

Mr. Kolbe stated it's that we are concerned that all of the hunters are likely concerned. What he is saying is that it is a measure of conservation it's probably less important and that we have the ability to address that concern that you reduce the harvest in a given area. As long as the ecoregional prescription is on track to meet our objectives. You can pull the lever without upsetting the overall long term trajectory of the whole population.

Vice Chairman Stuker stated we have four regions. When we talk about hunting and setting quotas, we will be setting them in the four regions. Is that correct?

Mr. Kolbe advised that it would likely be done on both scales. Let's say the west central ecoregion for example has met with the public, worked with the regions, and we agree that within the next six years we'd like to see a stable population. We could run through our model and say that both male and female will allowed to maintain stable populations. We have a number of lions harvest annually that most likely will help us meet our objectives. The managers and public could then determine the smartest way to manage the ecoregion. We will still have a regulations pamphlet that says hunting district 440 is allowed seven males and four females. The proposal that is brought to you is going talk about the aggregated likely effect of all the harvest within the ecoregion within the amount of time that we identify. It will be different but it will be better.

Vice Chairman Stuker stated he agreed with what was said and to target areas where there are too many. Also, limit the number of hunters that go into certain areas because it is a big landscape. Certain areas may get more hunters than others.

Mr. Kolbe advised that they are not going to do away with the lion management unit. It is still very important that we have the finer scale hunting districts.

Commissioner Aldrich stated outside Missoula where he lives, there is a special management unit for lions there, that would be an anomaly in that scheme of things.

Mr. Kolbe stated not really as they are constantly and there is another one that is similar in the north west with an objective for lions that is low tolerance. We talk about that in the strategy specifically as an option for managers to apply. This does not matter on a larger scale as it there is history with that area and know that we never meet the quotas there. We basically know what our annual harvest is going to be. Things are specifically allowed and called for in the strategy.

Commissioner Colton stated in February in 2006 and the data the we had was the first meeting. It was a long meeting and people were mad. We asked a lot of questions about density and numbers. It was amazing. The lion is a unique animal and we need to keep things in balance not only for the hunter but for the animal. It deserves the respect that we are giving it with this study. He wants to applaud everyone involved. You are very comfortable with the data and the study that you have done in these ecoregions that these animals are going back fill in. there is enough identified connectivity here and consistency to set up the regions to set up on that scale.

Mr. Kolbe stated he relies on the past good work of FWP researchers and other researchers from the western United States to get that comfort. It is the overwhelming consensus of the research literature that tells us that is the only scale where you will effectively manage lions. You will likely fail to meet objectives at a finer scale. This is in the strategy and everything that he has seen that has to do with lion ecology leads us to that conclusion.

Commissioner Colton stated as someone who had done this for many years, you can understand what a departure it is in his mind from what was done before. He will support it but it is a lot to absorb that this is what we will be setting our system up on.

Mr. Kolbe stated that this is a fundamental shift. Montana is unique and we are really trying to apply all the things that were learned. Several of the western states have also designed and decided to adopt zones. Washington state had their own versions of the management units. This is where things are going. The scale issue is slowly becoming the way that agencies are needing to manage the lions.

Motion: Vice Chairman Stuker moved and Commissioner Brower seconded the Commission endorse FWP's Mountain Lion Management Strategy for public comment as presented by the department.

Public comment.

Region 3- Helena

Mary Ellen Schnerr, Townsend, stated that is exciting to have this plan in front of us. We have fed five horses to mountain lions. Others have had good experiences in Judith Basin and other areas. They are very interesting animals and happy to see the larger picture. She wanted to know since parts of different regions were going to be put together, are some of the lion management units going to be different than they were.

Mr. Kolbe stated the lion management units are not part of this proposal. He has heard discussions in some of the FWP regions about making some of those adjustments. That is a discussion that would come as part of a later proposal. We would certainly send analysis support for any later ideas. As of now there is no changes of management units in this strategy right now.

Chairman Vermillion stated this why this Department is pretty unique. This is exceptional work. He knows that there has been a lot of hard work on this and had a lot of help. Kudos to you for continuing to work on this and integrating all the research information into what seems to be a completely comprehensive progressive dynamic approach to lion management. Well done.

Susie Hedalen, Townsend, stated she appreciated the explanation and wanted to know how the ecoregions are going to impact. She feels that it is very important that we have these at a more granular level quota. It is important as a hunter and houndsman that we still have the areas with complexity and that we follow those. She would like to know how the ecoregions impact the quotas. She feels that it is critical that we still have the smaller areas. It is also important to consider the hunters as they can tell you how many lions are about in certain areas. Thank you.

Mr. Kolbe stated the short answer is the smaller units that the hound hunters are accustomed to are not going to change. Under this proposal, each would have a harvest limit. Ecoregions are just a way to look at a larger scale evaluation. Taking the best information that would allow us to achieve the right objectives, we can then spread the harvest over the hunting units. It helps allocate harvest where people might want it.

Nick Gevock, Montana Wildlife Federation, stated this is impressive. He thinks that this shows the quality of work that the Department does. It shows how productive FWP is in wildlife management. He thinks that

FWP takes a good approach in managing predator species in Montana as well. With the Legislative season looming and litigation around grizzly bears that this could be a good template for a grizzly plan. This is great work. Thank you.

Daniel Kinka, American Prairie Reserve, stated he echoes Mr. Gevock's comments. He looks forward to reading this in more detail. It is great to see the Department moving in this direction. He noticed the north-eastern block did not have a sampling unit. He wanted to know how the data would be collected to inform the model with this specific sampling region.

Mr. Kolbe advise that he did make effort in the plan itself to talk about the eastern side. The short answer is that we don't think it will be effective so why do it. It does not preclude spot sampling though. In that area as the weather tends to periodically limit harvest. We have limited quotas in that area due to public access and quality habitat. Eastern managers are still confident that they can still collect data and conserve lions. They have already demonstrated that ability.

Motion passes 5-0.

23. 2017-18 Elk Shoulder Season Update

Performance-based elk shoulder seasons are firearms seasons that occur between August 15 and February 15, outside the five-week general firearm season. They are intended to reduce over-objective populations by supplementing existing harvest and are not meant to replace or reduce harvest during the general archery and firearm seasons. Shoulder seasons are performance-based with criteria for the number and timing of animals harvested to be met in a three-year evaluation for a shoulder season to continue.

There were shoulder seasons in 43 hunting districts during 2016-17, which was a poor elk hunting year. The fall was very mild and the winter too snowy for hunters to get around in many places. Even so, cow elk harvest in shoulder season HDs was up 33% compared to the previous five years, and 41% of HDs met the harvest criteria in this one-year preliminary analysis. When seasons opened and how long they lasted varied, but among all shoulder season HDs combined 12% of antlerless elk harvest was during the early season (Aug 15 – Oct 16), 53% during the general rifle season, and 35% during late seasons.

In 2017-18, there were shoulder seasons in 44 HDs. Hunting conditions were more normal and cow elk harvest was up 47% compared to the average harvest for the five years before shoulder seasons (2011-2015).

Season length affected the number of elk harvested. In 2016, 60% of 10 HDs with long shoulder seasons that ran until February 15 met their harvest objectives, while only 25% of 12 HDs with short seasons that ran until January 1 did. Hunters took advantage of elk hunting opportunities when they were offered. In 2017, 70% of HDs with long seasons met their harvest objectives, while 42% of HDs with short seasons did. When data from both years are combined, 70% of HDs with long seasons met their objectives while 25% of HDs with short seasons did.

Hunter access to elk remains a problem in getting adequate elk harvest. We know, and have said from the beginning, that shoulder seasons will be successful in reducing elk numbers only if everyone – FWP, landowners and sportsmen – works together. While we have no empirical data yet (we will have that following 2018-19 season), access in many areas such as much of Region 5, home to some of the elk populations most egregiously over objective, is limited.

More information including the shoulder season guidelines, the 2016 shoulder season information page and map, and the 2016 shoulder season performance criteria evaluation table is found in the commission packet.

John Vore, Game Management Bureau Chief, Wildlife Division, stated the shoulder season update will have a PowerPoint presentation. In August of 2017 that we presented something similar to this. This is an update for two of the seasons that we have had in Montana. By statute the Department shall manage with objectives that populations of elk, deer, and antelope are below sustainable population numbers by 2009. We are a bit behind on that one. In the summer of 2014 Director Haegner authorized an internal process to explore and develop guidelines for the 2016-2017 biennial season setting. This was in response to Governor Bullock's charge to improve landowner relations as well as criticism that FWP was not meeting the elk objectives. The map is showing the objectives; however, the map has not been updated in a while. When that is updated the elk, objective is likely to change.

We have several places in the state that are over population objective. We came up with performance based shoulder seasons. The primary intent of shoulder season is to reduce elk populations. This is a firearm season that occurs outside the general hunting season. It focusses on antlerless game harvest on private land. There are performance criteria such as timing, make up, and number of elk to be harvested in order to maintain the season. In 2016, the commission put into place the shoulder seasons that you see here in 43 hunting districts across the state. Shoulder season was put into place with some fundamental objectives not all pertain to harvest. There are several elk considerations meant to help manage elk populations to meet objectives as soon as possible. To increase harvest of elk where appropriate and hunter-landowner considerations. To address problematic distributions of elk and enhance public access to bulls and cows on public land. We want to reduce exclusive access to elk. We want to enhance landowner flexibility and manage elk on their property from game damage. We want to reduce hunter impacts on landowners. We would like to simplify rules and regulations.

There are also some logistic considerations that we have to have. We need a balanced statewide consistency with local flexibility. We want to keep staff time down as much as possible. He wanted to speak to the harvest criteria here. There is very specific criteria that apply to these shoulder seasons. The number of bulls and cows that are evaluated separately has to be more than half of the number of bulls and cows recruited. The total number of cows numbering in all seasons combined has to be more than the number of cows recruited. The total number of all elk including the bulls, cows, and calves must be more that the total number of elk recruited. If the harvest criteria have not been met due to clearly widely accepted extenuating circumstances such as weather or fire the shoulder season may be continued as long as access to elk is not the main reason. This is important because the 2016 season was a very poor season.

There are also the shoulder seasons that are not subject to the harvest criteria if they are consistent with the fundamental criteria. One that we recently put into place for hunting district 311 is a case in point. We had shoulder seasons in 43 hunting districts and districts 101, 109, 292, and the one in 311 was meant to disperse elk so the harvest criteria did not apply. Forty of them were meant to reduce elk numbers. There many changes in the districts in 2015-2016 seasons for many reasons. The 2017 season was better. The table chart before you lists the hunting districts that we are talking about and population objectives. We have gone through and determined the recruitment in each of the areas. This guides what our harvest has to be. There are columns that talk about the general and archery season. The last part talks about all seasons combined. In 2016, that was only one year of data and we are supposed to have three. He wanted to point out that what we are calling a short shoulder season only lasted until January 1. Twenty five percent of the hunting districts that had the short season met the harvest criteria compared to the long shoulder seasons.

Compared to the long shoulder seasons that ran until February 15, 60 percent met the harvest criteria. Eighty-four percent of the cow harvest was realized overall. During bull season, cow harvest was 76 cows short in 2016. 2017 was a better for the general and shoulder season. Forty-two percent of the districts met the harvest criteria. The districts that had the long shoulder seasons, 70 percent met the harvest criteria. We were short adult elk harvest by 1,000 elk. The general and archery season we exceeded the cow harvest by 349 animals. We are combining them because this is how we are evaluating this. With all seasons combined we were short about 2,000 cows and exceed it for the general season. The shoulder seasons are not impacting the general seasons.

The cow harvest during the shoulder seasons are broken down by regions. Region 2 comparing the five-year average of shoulder seasons 2011 through average also 2016 and 2017. The cow harvest really increased. In Region 3 the harvest also increased. Region 4 increased some but, keep in mind that what the first shot at a shoulder season. Region 5 and 6 also increased. In Region 2 was up by 68 percent over the previous five-year average. Region 5 has been one of problem regions with elk being over population objective. We increased it 2017 by 57 percent over the five-year average. With everything combined, in 2017 were up 47 percent for all the harvest of cows. Timing is important on how long the shoulder seasons run. The graph before you shows the short shoulder seasons can see the amount of harvest in December, January, and February. In December, there was quite a bit of harvest. In January, what is there is game damage season. The harvest really falls off there and so does February. Compare all that to the long shoulder season that you can see in 2016. As far as 2016 we harvest the same number in January as we did in December. February only lasted until the middle of the month and we were down in numbers. It was the same in 2017. It went up in January.

Chairman Vermillion stated that the chart between January 1 and February 15 says we have harvested an addition 250 cow elk in all our districts that have shoulder seasons. He wanted to know if he was reading that correctly.

Mr. Vore stated to combine the orange and gray bars for the total harvest.

Chairman Vermillion stated that January is the busiest month.

Mr. Vore stated in the areas where the shoulder seasons go on. One of things to look at here is the districts that had the short shoulder season. If that followed the same pattern as the long shoulder season. We would have harvested an additional 500 elk in 2016. In January, perhaps another 200-300. In 2017, we would have harvested an additional 200. When you add all that up, it gets close to the 2,000 that we were short.

Commissioner Colton wondered if there was data that says in 2016 we killed 600 in December and keep the same ratios. Looking at how many more elk that you are killing, are there still that many tags left? We there that many hunters left or concentrating their efforts? He thinks it is suspicious to say that these would have stacked up the way they did in the long seasons. Where are we going to find the hunters or the tags or the critters?

Mr. Vore explained that if it did follow the same pattern results with the long seasons then we are finding excess and finding elk in December. They couldn't legally go because the season ended in January. If the season had gone long enough to provide that the access and the elk was the same, we would assume the harvest would be the same.

Commissioner Colton stated that there is something telling about the long seasons. The peak time is February and the short season peaks in December. He can't quite figure out the numbers but, he looking at 2016 in the graph is showing 700 or so harvested in the same season. He understands that there are different

regions and it doesn't match up exactly. He is not arguing against the longer seasons but, he feels that saturation will be reached with some land owners that don't have a bunch of elk on their land, their land butts up against public lands, and maybe they are getting overwhelmed. They have hunters for August 15 until February 15. They are driving on the roads and will probably run into problems there. He gets a sense of advocacy there where the longer shoulder season is always going to work better. When he looks at this there is a sense of good harvests in December. We must do the work now.

Mr. Vore stated that he wanted to make sure that everyone understands the harvests. In the December, January and February data, according to December data people were finding places to hunt and elk to harvest. The shoulder season harvest is in December in contrast with a large harvest in January and the first part of February. If we are looking at harvesting elk, we know we have interest from sportsmen that has been overwhelming in trying to do this. We are not lacking hunters. He advised that he had an interesting conversation with Ashley Taylor, the biologist over by Judith gap about landowners that now can have a shoulder season where they couldn't before and are excited about having it. The reason is that we did not offer it before.

Commissioner Colton excused himself for not knowing this but, when looking at December of 2017 or 2016?

Mr. Vore answered 2016.

Commissioner Colton added in 2015 did we pick back up in 2016?

Mr. Vore stated that it really should be the December 2016 to January of 2017. The 2017 season was the last hunting season that we had. That was January 2017 to December of 2018.

Commissioner Colton stated that even though we had some tough conditions, we did quite well in December of 2016. Was there some in Regions 3 and 5 that went to the 15th?

Mr. Vore stated that he only used data that went to the first for the graphs.

Commissioner Colton wanted to know what it would look like for the ones in region 5?

Mr. Vore stated that February 1 through February 15.

Chairman Vermillion stated that looking at 2016 and if he adds up the columns, the short shoulder shows 710 then the long shoulder season shows about 800. So, we are talking about a difference of 90 elk.

Mt. Vore answered that could be.

Chairman Vermillion stated that could be in Regions 3 and 5 versus 2 and 4.

Mr. Vore stated that from a management perspective that over population objective in that area for a couple of reasons. If the primary objective is harvest more elk by having additional opportunities, we could certainly harvest more elk.

Chairman Vermillion stated the difference was 90 elk roughly.

Mr. Vore stated there are 12 hunting districts in one region and ten in the other.

Vice Chairman Stuker stated that would make a difference as the data is skewed just a little bit in the short versus the long shoulder seasons. The objective levels, if you are way over in some of those or if in 410 hunting district that is way over and there doesn't seem to be a lot of hunters that go hunting in that area. Like Chairman Vermillion, he did take his calculator out and figured it out. When you look at them they are not far apart on the graphs. He thinks that if the other data was added in as in the hunting seasons, how many elk, and where the districts are relative to the population. He feels that could change the graphs.

Mr. Vore Agreed. The point that he wanted to get across was that for the two-season combined we are about 2,000 elk short. If again in the next season we could harvest more elk combined, then we are moving closer to meeting the criteria.

Commissioner Colton stated if that was being presented as a fact. How do we really know that? With Chairman Vermillion's math, we have a comparison of 90. He feels like we are overstating some of the numbers over the trends are closer. Say 1200 closer? 500 closer? 1800 closer? What are you basing this on?

Vice Chairman Stuker asked if there were anything in the graphs that would show harvests in any of the districts in the regular hunting seasons before we started shoulder seasons. When looking at the blue graph that is a lot higher in the short than the long. If we are looking at this in 2014 on the regular season would the elk harvest be considerably higher in the same districts as the lower ones?

Mr. Vore stated he thinks that that the cow harvests in the shoulder season hunting district's total cow harvest. In 2011 and 2015 there were no shoulder seasons going on. This is total cow harvest in Region 2. With the onset of shoulder seasons, we increased cow harvest by 68 percent in Region 2. Likewise, in Region 3's shoulder season with 28 percent. In Region 5 where we are most egregiously over population in many of those districts in 2017 there were 57 percent more elk taken and more cows taken than the general seasons prior to that time. In 2016, when the weather was poor it increased by 14 percent. There was more harvest than the general season. Much of that happened during the shoulder season.

Chairman Vermillion talked to a couple of the biologists about the shoulder seasons. The one that stuck with him was the conversation about the shields. What he was told when he asked the questions was the cow harvest and the shields were 500 during general season and 100 during the shoulder season.

Mr. Vore stated that could be.

Chairman Vermillion that this was part of a conversation that he had this morning. He wondered of that would be hunting district 393?

Mr. Vore referred to the 2017 data for 393 hunting district for the general season 192 cows were harvested. In the general season 292 cows were harvested by archery. During shoulder season, there were 145 additional cows harvested. There may be a difference of just 90 elk but, this pattern suggests to him that hunters on the landscape and the need to get to the elk. In Regions 3 and 5 with the short shoulder seasons in December people were able to get in the hunting district and harvesting elk. They couldn't legally do that in January. If they could get back there with good access and harvest elk. If the pattern held, we could estimate a harvest of an additional elk. They hunt hard in Region 3 during December. In the regions where we offer a hunt, the hunters are there to harvest elk.

Commissioner Brower stated maybe it's because the hunters are being dispersed out for a longer period of time. In the shorter seasons of December there are an equivalent amount of people who are hunting versus the longer shoulder season that an equal amount of people is spread out over three months.

Commission Colton stated his concern was the scientific validity of this. If we extended the seasons and then the numbers jumped. He is wondering if we would have the problem solved in two years. How many people do we really have? In 2016 there were 700 people that came out to hunt. He doesn't think that in the districts that you are going to have that much participation in January as there was in December.

Mr. Vore stated perhaps not. But the numbers are stating elk harvested not number of hunters.

Commissioner Aldrich stated there was too much detail there for the shoulder seasons and some places that the elk just is not there. There are a lot of variables there. It can depend on where the elk want to be at that time.

Mr. Vore stated that was correct. One of the reasons is by combining the hunting seasons and districts, he wanted to get away from the very localized difference on the landscape. He wanted to look at it on a broad scale. What is the difference between the long and the short season?

Commissioner Colton stated the population objectives are making some progress if we were to increase our objectives by even 15 percent. This was never part of the discussion. Let's add on more seasons to get more kill. When are we going to get our heads around the idea that elk season in Montana is longer than gopher season to quote Brian Schweitzer. Is that what we want? He is not advocating against it. The concern is that it seems that FWP is advocating for it without discussing the other numbers and adjustments that need to be considered. Why is a population objective of 1200 in 411, 511, and 530 not a realistic objective? It is his experience that there is an increased tolerance for elk on the landscape. In some areas, there is desire for large saturation of elk. He feels that some of these models do not fit in areas like that. He can't speak to 540 but, he can speak to 590. He thinks that there is an increased tolerance of over 750 there. He's worried that this could affect funding. This is an example of some of the concerns he has.

Mr. Vore stated that they are revisiting the elk plan. They have made changes in the elk plan since it was adopted in 2005. Biologists can make changes in the proposed in the population objectives. It is one thing we need to be cognizant of when we go to the public and bring it to a broad cross section of the population. Some of the population objectives could go down as well. We need to be aware that it could go both ways. He agrees in western Montana that many of those population objectives could go up.

Commissioner Colton asked where they would think that they would go down. He's looking at some of the more robust objectives. He is wondering how the objectives are being set. These are some of the things that he is concerned about.

Mr. Vore stated that if they go out to the broader public and have the meeting like in 2005, they would be asking a lot of land owners, hunters, and stakeholders to contribute to that and he is not sure how some of that would come out.

Commissioner Colton stated he was on the Commission in 2005 and there were some robust discussions. Everyone is trying to get their head around this new plan too. Do you have the statistics or breakdown of the archery and general season adult cow harvests? We have a realized harvest in 412 for example, of 107. Would we know how many cows out of that 107 were killed with a bow.

Mr. Vore explained that they could estimate by the timing of harvest. He only addressed what the harvest criteria called for. This can get complicated much more complicated than it is already.

Commissioner Colton was curious as there have suggestions in the past that if we make adjustments as we could be underutilizing archery harvest on females. He is curious as to whether there is any data to support that we have a strong archery cow harvest. Looking at an archery season in 390 with 150 harvested cows. He suspects that only ten percent of the harvest cows were with a bow.

Mr. Vore added that would be his opinion as well.

Commissioner Colton stated that the bulls would probably have a larger percentage. For instance, 411 is a special draw with a rifle. So, you have 319 bulls harvested.

Vice Chairman Stuker stated a lot of the seasons are extended from what they were last year. That will make the results look more comparable to the short season. We had a shorter season in 2017-2018. We will have a longer season in 2018-2019. Depending on the weather conditions and other things, we can then actually do a comparison between the long and the short. He agrees with Chairman Vermillion and Commissioner Colton on this. There is so much criteria that can be considered regarding this. When we have this conversation again in a few months, we will be able to interpret that data better. The shoulder seasons may very well do what you say but, could also end up the way Commissioner Colton suggested. We could see that much change.

He always gets upset when the objective levels are suggested to raise which makes it work out well on paper. He feels that they have objective levels whatever they were set for and we can't get to the objective levels because some of these are way over then he wouldn't mind looking over the objective levels. If we raise them now to make it look good on paper, then we will be looking at this again in five years. Will we be raising the numbers again? At some point, you could end up having a revolt from the landowners. There have been some of the landowners that have mentioned to him that have been working with the commission and the Department every way possible to reduce the numbers. We are getting to the saturation point. It isn't going to make a difference whether he works with the Department or not because he feels that they are not reducing the numbers. He could start leasing to an outfitter and recouping some of the money. There is nothing left to harvest. He doesn't think anymore of the elk are going to come in because they graze everything off. These are areas that we need to look at. If we could spread out every elk have over the whole state, we wouldn't have an overabundance of elk but, in certain areas we do. We have to figure out how to get the numbers down and get the elk under control.

In hunting district 620, the numbers are down. He is not sure if it something we did or the last couple of hard winters. They have really reduced the numbers and are getting very close to the objective levels. If that could be maintained for a couple of years, then he thinks that would be very appropriate to visit with the landowners and sportsmen to change the objective levels. If they figure out how to control them and not let them get out of control then he supports that. Thank you.

Mr. Vore stated going on the population objectives that they have right now, realizing that may change in the future but, the legislature has directed to manage as the objectives are set right now. In order to do that the primary objective of elk shoulder seasons is to harvest elk. That is very plain. In his opinion based on what he is looking at, we haven't really employed shoulder seasons. We use a half of a shoulder season or even a third of a shoulder season and haven't really used the whole tool. He is not saying that he likes the tool or that he likes harvesting elk in February but, it is a tool that monitors. Montana and other states have used this. It is realized that if you are harvesting a lot of elk you need the opportunity to do it and that means hunting in the winter.

Vice Chairman Stuker stated he thinks there are other options. He doesn't like the six-month shoulder season. Unless we come up with some other options and he feels that there are other options that have not

been discussed. For example, in other areas when there is over population of deer we give extra tags out. This is something that may need to be considered if we wish to bring the season back to a shorter length. He understands that has to be a legislative proposal. He feels that is one of the alternatives. No one seems to want to talk about this. If we are going to talk about having harvest not go into January or February, then there has to be some other options. We are not killing enough elk during the regular season of archery and rifle to comply with what the Legislature asked us to do.

Commissioner Colton asked Mr. Vore to help everyone to understand how the objective numbers are set.

Mr. Vore explained that there were a series of meetings around the state in the past. We met with landowners, hunters, and stakeholders. This was a socially arrived figure for the hunting districts and hunting management units.

Chairman Vermillion stated that it was a blend between the Department's perception of landowners' tolerance and sportsman desire.

Mr. Vore stated that was correct. They did consult with landowners and sportsman too.

Chairman Vermillion stated the number you are looking at is how they want access and then why. With this you try to figure out a number.

Mr. Vore stated that is a difficult question always.

Vice Chairman Stuker thanked Mr. Vore.

Chairman Vermillion stated that they had talked about this and came up with February for the final season setting. Does the Department plan to come up with a proposal for the December meeting for the shoulder seasons for 2019?

Mr. Vore stated yes.

Chairman Vermillion stated that they will have very concrete proposal from the Department as to what they will want to do for next year.

Mr. Vore stated yes. He referred to the discussion they had over a few Commission meetings that talked about whether there will be a third season or a fourth season running. Originally, shoulder seasons were laid out to evaluate three full seasons before we would make a commitment on another. That could be changing now.

Chairman Vermillion stated the question was what is a full definition of a season. Others may believe that going until February is full season. He would take the approach that a full season is what the Commissioner the Department come up with for the shoulder season for that particular year.

Mr. Vore stated that was correct.

Chairman Vermillion stated that is why people get frustrated with the presentations. It seems the description of the data says that if you don't go to February 15, then is not a full shoulder season. It is important to say that the Department and the Commission came up with the date and that would be a full shoulder season which was based on public comment at that time. We could have added 25 cow permits but, we didn't. he feels it has a lot to do with how it is described in the conversation. It feels like we are not giving full credit

or we are saying that it came up light so we didn't go to February 15. He thinks this where people get confused as to whether February 15 was worth the effort.

Mr. Vore stated most of them go to February 15 this year. However, we won't be able to evaluate that until August of 2019.

Commissioner Colton stated that his frustration is not the extension to February 15 but, the Department was using the vernacular that February 15 is not a full season. Therefore, the failure is because we did not go to a full season. That seems to be an element of advocacy. The Commission is charged with shaping policy. The Department is charged with giving a subjective assessment of what is happening on the landscape. He doesn't think we have the data to say with certainty that we are going to be markedly closer to these goals. He thinks that is what is causing all this and we don't need that. We don't need advocacy for one position coming from the Department. We need to take into consideration everyone's interests and using the most effective tool we can without upsetting everyone.

Commissioner Aldrich stated he thinks we have set August as the time we would have the data. There are ways to analyse that data. Some of it is site specific. We will have to look at why didn't it work or what can we do to make it better. We need to not only look at the data but to look at what is the next step. That will be a tough one. We will need to have the best data we can have. It is essentially the same kind of data that we have right now with the exception of having some input from the people. We have a big job until next December.

Commissioner Colton asked Mr. Vore if he was able to secure data breaking down the harvest for 411, 511, 530 in the specific district.

Mr. Vore stated it was not so much the harvest data as the areas are counted together. The harvest data is hunting district specific. Count data and consequently the recruitment data is pooled. That is why it is pooled here. It is an elk management unit.

Commissioner Colton stated he is interested in knowing what the count was in some of the districts when we created the objective. Especially in the magnificently over objective areas. As we rework the elk plan is there going to be a component in that in order to bundle some of the hunting districts. Are our counts determining the concentrations?

Mr. Vore answered yes. Our counts identify where the concentrations are. In addition to the harvest information that he has, the other objectives that he spoke about landowner tolerance and problematic elk on the landscape. When we started off on shoulder seasons, we sent questionnaires out to landowners about having problematic distribution of elk on the properties. We asked the same question of our staff, wardens, and biologists. We sent out the same type of questionnaire to see if these things have changed. We are looking to harvest criteria and is only one of the fundamental objectives as well as looking at them in other ways.

Vice Chairman Stuker stated he advised that the Commission looked at the data and agree with Commission Colton that it is tough to say "what if?". You have to say it one time and then what is the action to extend the season or most of the seasons for the longer period. So now we are going to be able to answer that question. Whatever the commission or the Department did whether a short or long shoulder season, that was our season. Now we are moving to the next one. With that information, we can go back and analyze and say it did or did not work. Until we get to that point, he is going to agree with Commissioner Colton that it is tough for the Department to say that if the seasons had been extended last year we would have made our objectives. It could say we might have met it or didn't. he doesn't know. He is very interested in

what the last results are going to be. He would ask the Department, the Commission, and the public that if it looks like we are not meeting it, then at the December meeting we have some other alternatives or suggestions on how we might control the populations.

Mr. Vore clarified that Vice Chairman Stuker was speaking to the December 2018 Commission meeting.

Chairman Vermillion stated that once the information gets to the Commission in August of 2019 then it would be the December 2019 meeting.

Vice Chairman Stuker stated then they will know the season settings for the next two years.

Chairman Vermillion stated that then we would be synchronized. The shoulder seasons wouldn't be stuck with the three years and did we actually do them. Nobody thought about that at the time. He thinks it is good that the Commission did not make any decisions for the 2018-2019 shoulder seasons. We told the public we would not do that without full evaluation. We can still do a third one, but you will have the data. By August, we will have more data to make that decision based on two full seasons if you come up with proposals in December 2018.

Vice Chairman Stuker stated that if we have the data in August and we have nothing else scheduled for shoulder seasons and it shows that it was successful, what will happen if we go one year without them or any plan? Do we need to in the fall of 2019 come up with a plan regarding how the data comes back for December through February of 2020? If we wait until December to decide that we are not going to have any of the tools in the tool box to do anything with. Once we get the August-September data and it says that we need to continue with shoulder seasons, we need to consider it then. If we get the elk numbers and we stop for the year are they going to turn and go this way again. At that time, we need to take a good look at it.

Commissioner Aldrich stated that when we get to that point we are going to get site specific. We are going to be looking at all the districts together. We are going to look at where did it work and where did it not work. What might change that? He thinks that there will be a lot of successes. There has been a lot of work involved to try to make this successful. There are places where the attitudes may be different. There may be more challenges that we may have to put in the formula. In December of 2019 we will be better armed. We will look specifically at if we are okay and where we need to stop as well as if we need to move forward.

Mr. Vore thanked the Commission.

Commissioner Colton stated he is not advocating that we adjust the objectives just to make the number work. If you made minor adjustments on the scale you could make things green pretty fast. He doesn't think that is how it should be managed. We should stick with the plan that they determined. He wasn't part of putting together the plan but he likes what he has read. He thinks that I was respectful to the opinions of everyone. He is not an advocate of adjusting numbers. He thinks that the Department should stick to what they have here and see how it works.

Vice Chairman Stuker advised that he has had conversations with biologists about their presentations being just that. Raise the objective levels but, not sell anymore tags. Since there is only ten percent take now, if we double the tags we might only get eight percent take and that would make it look worse. That is what he has concerns with. He wanted to stress that was only a couple of biologists. The others are very good to work with and are trying to figure out how to make these things work.

Director Williams added that she appreciates the attitude that Mr. Vore has had this afternoon. By the end of this conversation she has heard some clarification not just blaming the Department but, saying today's presentation was on the performance based shoulder season view. We didn't ask you to come today about changing objectives. Today we wanted to talk about this and she thinks the conversation delineated the three separate conversations. She appreciates that.

Mr. Vore thanked the Director. In addition to what was going on with harvest, another way we can look at this what is going on with the elk counts in the areas where there are shoulder seasons. He has broken the information down in to the long and short shoulder seasons. He tried to get away from the localized things to see if the performance of the season was different. If you look at the long shoulder seasons, the elk counted in those areas (on the data given to you) the blue is 2016, 2017 is orange, and 2018 is the most recent. In the area where there were long seasons, compared to the 2016 counts the 2017 counts were up two percent. The 2017 short season counts were up 11 percent. If we move to the 2018 counts, compared to 2016 those counts were down by eight percent in the long season. The short season was basically the same. It was up by one percent. In those hunting districts combined that had the long shoulder season, it was down eight percent. It seems to be moving in the right direction.

Vice Chairman Stuker stated that he would have liked to have started out with that particular graph. That is what we are really looking at. The comparison is what are the numbers doing in those districts. How many hunters do you get out there that affect how they move. It does show the control that we are getting by the different types of seasons. This takes into account the populations out there and everything else. He feels that is what looks most impressive.

Mr. Vore stated it will be interesting to see what the 2019 counts are. For those of us who have done these counts, you have to remember that you can't count every elk that is out there. Sometimes the conditions are good and sometimes the conditions are poor and that determines how our counts go at least combining the hunting districts together helps get rid of some of the local noise.

Commissioner Colton stated if you were to look at the numbers from growth you are going to have larger population recruitment in areas that have larger populations. It is up 11 percent. It is going to match statistically right away. We go from 20,000 in 2016 up to 24,000. We have 8,000 more elk. Most are cows. What level of harvest are you going to need for the extra 45 days? If we have good breeding seasons, then that will reverse that trend.

Chairman Vermillion stated another way to look at the data decline was greater in the shorter season in 2017. The population percentage counts were greater in the short districts but the long districts the population decreased more slowly.

Commissioner Aldrich stated that if there were another four or five years lined out with all the weather and other variations in effect, it would be a better picture perhaps. There were some mortality in some of the districts.

Mr. Vore stated that for the 2019 they do counts in the winter and spring. They will have the counts for August meeting. He doesn't know what that is going to look like.

Chairman Vermillion wished Mr. Vore the best of luck.

Mr. Vore stated in summary that 2016 was a bad elk hunting year. It was a mild fall and a snowy winter. Cow harvest was up 33 percent of the previous five-year average. The 2017 cow harvest was up 47 percent from the previous average. The long seasons appear to do better than the short. The long seasons achieved

108 percent of the cow harvest. The short seasons achieved 58 percent. They exceeded the harvest criteria in the general season. The population counts also reflect a change.

Chairman Vermillion wanted the public to be aware that the Department is planning to come back with a shoulder season proposal in December of 2018. The tables and so forth are on the website. Thank you.

24. G/T Ranch Acquisition (R3)

FWP is seeking endorsement from the commission for purchasing a portion of the G/T Ranch to establish a new wildlife management area north of Confederate Creek along the foothills of the Big Belt Mountains, Broadwater County. The proposed acquisition involves approximately 4,818 acres of private land. The area also includes about 642 acres of BLM inholdings. This proposal involves high-value winter range/yearlong habitat for approximately 300+ elk and 150+ mule deer (numbers vary annually and seasonally) that is adjacent to Helena-Lewis & Clark National Forest, BLM and DNRC lands (see map). The current landowner is interested in selling the land in fee title and has no interest in a conservation easement. The unique big game winter range values associated with this property are considerable and worthy of investigation as an acquisition. The land is predominantly mountain foothill sagebrush grasslands and conifer forest/woodlands interspersed with deciduous draws. Some of the lower elevation includes former and actively farmed croplands that make up about 11% of the proposed acquisition. The property has operated as an amenity ranch and has not supported public hunting, acting instead as an elk refuge during the general hunting season. In addition to conserving and restoring habitats dedicated to wildlife, this acquisition would support significant public hunting and other wildlife-related recreation opportunities.

Neighboring/local landowners and local sportsmen's groups/hunters were contacted and asked for their informal comments about the potential acquisition. Comments received were across the board. Some individuals were opposed to the project (opposition to a government agency purchasing private land, impacts to county property tax values, weed management, and impacts to elk distribution during and after the hunting season were among the concerns), some individuals were fully supportive of, or at least ok with, the project, and some individuals were on the fence, so to speak, i.e. had some concerns but weren't totally opposed to the idea. The Broadwater County Commission was also asked for their input, and they were supportive of the potential acquisition.

If the property were purchased, it would become a new Wildlife Management Area. As such, the property would require some new boundary fence and would require all the normal activities/costs associated with the establishment and maintenance of a WMA, i.e., FWP staff and time, fence maintenance, noxious weed control, and habitat management. Having the property in public ownership would significantly improve public hunting opportunity, particularly for elk, in that area. The alternative would be to not purchase the property. The property would then likely be purchased as an amenity ranch (which it is currently) for its hunting value and could be subject to subdivision and housing development.

FWP recommends the commission endorse the proposal, allowing the department to further investigate this opportunity and to conduct a necessary due diligence, environmental analysis, and public review.

Ken McDonald, Wildlife Administrator, stated that this is on the backside of Canyon Ferry that borders Confederate Gulch. It is a high value piece of property for elk that adjoins the Forest Service and BLM. This property is listed with a large house and the realtor has been working with the owner to carve out the house with some acreage on the very end of the property. This would allow us to just purchase the land. The acreage isn't quite solid yet. It is still being worked out. If you look at the map, it shows where the house and the highway are. It lends itself to carving that out. This is an important piece of property for elk

and elk management. This is an area where we have problems with shoot outs and what not. We toured the property and there were areas that had populations of elk. It highlighted the attraction to this property for elk.

If the Commission were to give us the endorsement to work on putting together a deal. We do have some Pitman-Robertson dollars that we could put toward this. We had Canyon Ferry Land Trust with us on the tour. They are very interested in helping. They would potentially be interested in putting up the necessary match. On the map, you can see all the cabin sites that they sold that is the source for this trust. You can see that this will provide important access that we wouldn't normally have. Region 3 is available for questions if needed.

Motion: Commissioner Colton moved and Chairman Vermillion seconded the commission endorse the proposal to acquire a portion of the G/T Ranch, allowing FWP to conduct further work on this possible acquisition.

No Commission comment.

Public Comment.

Region 3- Helena

Nick Gevock, Montana Wildlife Federation, stated that this building on our system of wildlife management areas. This is a place where we are over objective on elk. We could use more access for hunting and wildlife watching. Hunters benefit from these areas. This will be a great legacy project. Hopefully we can get this one done. Thank you.

Montana Chapter of Backcountry Hunters and Anglers, stated that they support the Department's effort here and echo Mr. Gevock's comments. Thank you.

Commissioner Colton asked if there was any estimate on timing on this? Would we be able to get this done in a year?

Mr. McDonald answered that because of the already obligated PR money, we are at a point that if we don't hurry and get it done then we could risk losing it. We need to get it done before the end of the year. We have a rush on that one.

Chairman Vermillion added that they hope to get it done before next hunting season.

Mr. McDonald stated that the elk were pretty impressive when they were there last week.

Chairman Vermillion stated that he wished Region 3 and the Department a lot of good fortune as they move forward with this.

Motion passes 5-0

Public Comment for Items not on the Agenda

Nick Gevock, Montana Wildlife Federation, stated what are we going to do going forward for the shoulder seasons and what are we going to do different? We need to think about that as we move forward. He knows the cow only hunting season is always controversial. If that is the tool we need to use, are we getting the

landowner participation during general season? That is obviously the key issue here. We have plenty of tools to kill elk and we can't stress enough that these are performance based shoulder seasons. It is a two-way street. We went along with this and encouraged hunters to participate. If we don't have the landowner participation in the general season we are not going to meet the criteria. He thinks that the hunting units need to be looked at. There are districts where it is under objective and there are still shoulder seasons. He agrees with Vice Chairman Stuker on concentrations. He thinks that speaks to why the criteria was there. There were late seasons for many, many years. A biologist told him that they need to have a broad harvest across the landscape. These are things to think about as we move forward to the December meeting. Hopefully, 150 wildlife biologists will be up at the Capitol in January and he hopes that they don't set the seasons for us. Thank you.

Dale Boespflug, President, American Bar Landowners Association, stated he wanted to make the Commission aware of a potentially dangerous and serious situation about an unbelievable increase in the amount of motorized guide boats that are working that stretch of the Missouri river. There is four miles of fishable water. On any given day, he has counted over 20 motorized guide boats. It is getting to the point where the public is being precluded from or able to use that section of the water. The guides have it completely locked up. It has gotten really bad in the last two years. We are seeing a lack of decorum, boater etiquette, and a large increase in the number of confrontations. This is between the guide boats and the general public. Somebody is going to get hurt. Having 20-25 motorized guide boats in a very small stretch of river is too many. We plan on bringing people in for your work session in November to talk about this. He wanted to educate the Commission about how dangerous it is getting out there. There is great potential for disaster. Thank you.

Chairman Vermillion stated that he has asked the Department to get the information on how many guide boats are there. Most guides have a six-pack license so it should be easy to find out. That information will be helpful for the work session. If they are there working without a license, then that is an enforcement issue.

Jerry Bucher, American Bar resident, stated he has a hard time identifying guide boats. They are supposed to have a sticker that is visible, correct?

Chairman Vermillion stated it should be a red or green sticker that is supposed to be visible on both sides.

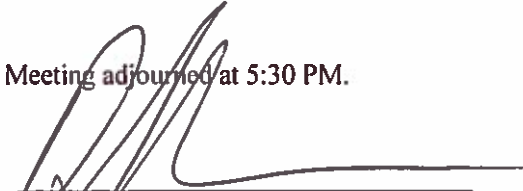
Mr. Bucher stated he wondered if that was part of the problem that they were not properly being identified.

Chairman Vermillion stated if that is the case they are supposed to be ticketed.

Motion: Chairman Vermillion motioned to adjourn and Vice Chairman Stuker seconded.

Meeting Adjourned.

Meeting adjourned at 5:30 PM.



Dan Vermillion, Chairman



Martha Williams, Director